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Canada Royal Commission
on pilotage

Hearings - 1963

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ROYAL COMMISSION

ON

19
PILOTAGE

HEARINGS

HELD AT

VANCOUVER

B. C.

VOLUME No.:

17-20

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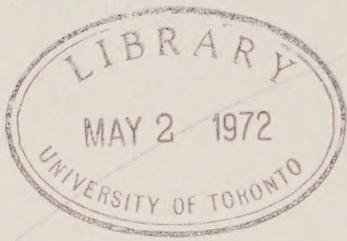
1963

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Citizenship Court,
Vancouver, B. C., on the 30th
day of March, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. F. S. Morissette	Asst. Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques, Q.C.

Mr. Leopold Langlois, Q.C. for the Canadian Merchant
Service Guild and for
the Pilots of the Pilot-
age District of New
Westminster (Fraser River).

Mr. J. I. Bird, Q.C. for Vancouver Chamber
of Shipping.

Also Present:

Capt. F. S. Slocombe, Department of
Transport and liaison officer

Capt. J. S. Scott, Technical Advisor
to the Commission



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1/dpw

1 --- On commencing at 9.30 a.m.

2

3 FREDERICK NELSON EDDY, sworn (continued)

4 DIRECT EXAMINATION BY MR. JACQUES (continued):

5 Q. Sir, your mention of a gain of \$8,817.50
6 out of the revenues of pilot boat charge, has kept me
7 awake, and I should like you to give further explanations
8 to the Commission. I refer you to the fourth page of
9 Exhibit 205. Yesterday I believe it was said that the
10 total figures given there were the total revenues of all
11 boat charges, whether private launch, or D.O.T. launch,
12 and from the total amount of \$36,660 you deducted the
13 amount of \$27,842.50, which had been paid to private
14 launches, leaving a balance of \$8,817.50?

15 A. That would be the net revenue, instead of
16 gain. My accountant put gain down there, which is the
17 wrong expression. It should be net revenue. It does not
18 take into account the piloting costs.

19 Q. I refer you to your annual report for the
20 year 1962. The last page of that report entitled "Main-
21 tenance and Operating Costs Pilot Boats." Would you tell
22 the Commission what has been the total operating cost of
23 pilot boats in B.C.?

24 A. The total operating costs, the grand total
25 was \$95,792.02.

26 Q. And which boats does that cover?

27 A. Canada Pilot No. 20.

28 Q. Where is she stationed?

29 A. Victoria. Canada Pilot No. 21, Victoria;
30 Canada Pilot No. 22, Victoria and Canada Pilot No. 24,



1 Fraser River.

2 Q. Are these the only pilot boats which you
3 operate here in B.C.?

4 A. Those are the only Departmental vessels.

5 Q. So the total operating cost is \$95,000
6 and the total revenue available to cover this operating
7 cost would be \$8,800, as shown in Exhibit 205?

8 A. That is correct.

9 Q. Now, do you have a pilot boat available
10 in Vancouver Harbour?

11 A. No.

12 Q. How does a pilot get off a ship, then, in
13 Vancouver Harbour when she is anchored?

14 A. Oh, generally by private water taxi, or
15 sometimes by one of Cates' tugs, the docking tugs.

16 Q. Is there a charge for that made by the
17 tugboat operator?

18 A. I think so, but I never see it. It is
19 generally paid by the agent, I think. As far as I know
20 we have no record of any charge being made in our accounts.

21 Q. And the water taxi, would that be paid by
22 the agent also?

23 A. Yes, as a rule, if the pilot is getting
24 off, somebody else is getting off, too, and it is
25 generally a joint trip.

26 Q. So you have no record of these trans-
27 actions?

28 A. No record whatsoever.

29 Q. If we may come back to your Bylaw, Clause
30 14, concerning the licensing of pilots, would you tell the



1 Commission how you proceed to obtain applicants for a
2 vacancy?

3 A. When we see that the eligibility list is
4 exhausted, or about to be exhausted, I write to the
5 Pilotage Authority, pointing out that our eligibility list
6 has been exhausted, and request that an examination for
7 pilots for entry into the B.C. Pilotage Service be held.

8 Q. And you mentioned a list. What sort of a
9 list is it?

10 A. The examination for pilots, we examine the
11 applicant, and of the applicants we might get seven, eight,
12 nine or ten men that are qualified to become British
13 Columbia pilots. Probably we are not taking more than
14 one in, or two in. So we establish an eligibility list,
15 and the candidates are put on that list in the order of
16 merit, the number of marks obtained in their examination.
17 From that list we draw pilots as we require them.

18 Q. Oh, I see, and when the list has been
19 exhausted ---

20 A. We ask for permission to hold a further
21 examination.

22 Q. How do you proceed?

23 A. We suggest the approximate time the
24 examination should be held. In doing this we generally
25 take into account the time of the year. The men could be
26 very busy, or sometimes the school is closed down during
27 the summer months, and then from there the Pilotage
28 Authority takes over and they advertise.

29 Q. You say the Pilotage Authority. To which
30 Authority do you refer, yourself or -?



1 A. Oh, no. The Pilotage Authority. I am not
2 the Pilotage Authority. I just represent the Pilotage
3 Authority. The Pilotage Authority, of course, is the
4 Minister in Ottawa. Then, the Department - actually it
5 is the Pilotage Authority, but the Department of Trans-
6 port, then, through their own press facilities in Ottawa,
7 place this type of advertisement in every newspaper in
8 British Columbia. Also posters are posted in all public
9 places, such as the post offices. Notices are given to
10 the Navigation Pool and the Canadian Merchant Service
11 Guild. So we inform everybody possible that there is
12 going to be an examination for pilots.

13 Q. I have here an example of a newspaper
14 advertisement for pilots. Has it actually been used?

15 A. This is an actual clipping from a news-
16 paper.

17 Q. You wouldn't recall what year it was, or
18 when it was, would you?

19 A. This is 1961, for the examination at the
20 time stated there.

21 THE CHAIRMAN: Would you read it into the
22 record, rather than file it?

23 MR. JACQUES: "Examination for Pilots, B.C.
24 Pilotage Authority

25 Applications from qualified persons to enter
26 the Pilotage Service in the British Columbia Pilotage
27 District are invited by the Department of Transport,
28 conditional on the applicant being able to pass an examina-
29 tion on pilotage and related subjects.
30



1 Qualifications Required

2 Applicants must be Canadian citizens resident
3 in Canada, between the ages of 30 and 50, the 50th birth-
4 day being the maximum age limit for the granting of a
5 pilot's licence, of good character and habits, and with a
6 good record of service at sea (certificate of health,
7 eyesight and hearing must accompany application).

8 A certificate of competency of a grade not
9 lower than Master, tug home trade, with proof of at least
10 3 years service as Master, or not less than one year's
11 service as Master and for the balance of the qualifying
12 period, double service as Chief Officer or First Mate in
13 a vessel required by The Canadian Shipping Act to carry
14 a certified mate, this service to be performed in a
15 vessel engaged in the coastal trade of British Columbia.
16 (Certificate of competency and testimonials must not
17 accompany application).

18 Examinations

19 Applications for examination must be in the
20 hands of the Superintendent of Pilots, Federal Building,
21 Vancouver, B.C., not later than May 26th, 1961. An
22 examination will be held on or about June 5th, 1961, for
23 establishing an eligible list from which, when necessary,
24 appointments of probationary pilots for the district will
25 be made.

26 Department of Transport, Ottawa, Ont."

2 27 COMMISSIONER RENWICK: Captain Eddy spoke of
28 the eligibility list being almost completed before this
29 action might be taken. Now, presupposing seven men are
30 on the eligibility list as first constituted, then six



1 have been taken aboard. That leaves No. 7, who was low
2 man on the totem pole during the examination period.

3 Does he maintain that stature, or does he become first?

4 THE WITNESS: He becomes first. We exhaust
5 that list before the others are put on.

6 COMMISSIONER RENWICK: He is not relegated?

7 THE WITNESS: Oh, no, he has been waiting all
8 that time.

9 Q. Would you proceed. You have now this
10 advertisement in the newspaper, and posted notices in
11 public places?

12 A. Now, the applications begin to arrive,
13 and from that we commence our business of sorting them
14 out, checking them and preparing the accepted candidates
15 for the examination. The certificates of time come in,
16 and some of them -- nowadays they are certified by the
17 vessels' owners, so nowadays, with the type of leave
18 enjoyed by a lot of the coastal vessels, they have much
19 broken time, and all that broken time is listed by their
20 respective companies, even if for a matter of two or three
21 days they are on one ship, and then left it to join
22 another. All that time is checked by us to make sure
23 that they have the minimum service required. It is quite
24 a big job.

25 Q. Does that mean that under the tugboat
26 agreement filed as Exhibit 88, for instance, where the
27 masters of tugs are relieved, they serve, I understand,
28 15 days a month, and they are relieved for the remaining
29 15 days, possibly. The time which you take into considera-
30 tion would be the time actually spent on a tug?



1 A. It is the time actually spent on board,
2 because we couldn't do it any other way these days. If
3 we took their actual service time with a company, a man
4 having three years straight continuous service might only
5 have as much as 15 months sea service in, so we have to
6 take the actual time they are aboard the vessels.

7 Q. Now, as regards the various certificates
8 for eyesight and hearing tests, do you send the applicant
9 to your own doctor or specialist?

10 A. The applicant produces a medical certifi-
11 cate on one of our own forms from his own doctor, which
12 is a complete medical form. This is delivered to us, and
13 on the back page there is a section for the reviewing
14 medical officer - all medical certificates received from
15 candidates are then sent down to the Medical Superinten-
16 dent of the Department of National Health and Welfare,
17 who is our doctor, the Departmental representative, and
18 he reviews them all and if he is not quite satisfied with
19 any man's medical record, he will either demand to see
20 that man, or recommend he be sent to a specialist. What-
21 ever he recommends we do. The others that he reviews,
22 he reviews and says in his opinion this man is fit to be
23 a pilot. We accept him for examination. That man goes
24 on the eligibility list if he passes. These are only men
25 who are not qualified yet. They have not passed the
26 examination yet. When they have passed the examination
27 and are put on the eligibility list, when they are ready
28 to be called into the pilotage service they go down to
29 the Medical Superintendent and have a further examination
30 by our own doctor. So they are well covered.



1 Q. They are well covered by the time they
2 are called upon to become pilots?

3 A. They certainly are.

4 Q. After these men are called in, their
5 medical records checked, and also their sea record
6 checked, what happens?

7 A. This is after we have checked the records
8 and the medical?

9 Q. Yes.

10 A. Then the examining body is convened. The
11 examining body is formed according to the Bylaw, and the
12 examining body convenes in my office a day before the
13 examinations commence, to discuss the aspects of the
14 examination and various things. My office prepares for
15 each examiner a mimeographed sheet giving the candidate's
16 full name, address, place of birth, age, the type of
17 certificate he has, and a list of qualifying sea service.
18 Underneath we leave a blank space, which the examiner
19 then uses for his own personal comments during the examina-
20 tion. So before the candidate comes in every examiner has
21 a complete record of that man's service and his age and
22 certificate before him.

23 Q. For that examination do you request infor-
24 mation concerning formal schooling?

25 A. That comes in in the oral part of the
26 examination afterwards. This mimeographed record is
27 purely his sea service, for the benefit of the examiners
28 before the examination.

29 Q. According to Section 15 of your Bylaw,
30 you are the Chairman of this Board of Examiners?



1 A. Yes.

2 Q. And the second examiner which you men-
3 tioned is an officer appointed by the Authority. In
4 your own experience, this officer of the Department of
5 Transport, does he come from Ottawa, or is he a local man
6 chosen?

7 A. No, he is a local man. At most of the
8 examinations he is the Examiner of Masters and Mates.

9 Q. The third examiner is a member of the
10 Pilots' Committee selected by the Committee?

11 A. Yes.

12 Q. And the fourth one is a pilot of the
13 District appointed by you?

14 A. That is right.

15 Q. In making this appointment do you consult
16 with the Pilots' Committee?

17 A. Yes, as a rule.

18 Q. As a rule you do?

19 A. Well invariably I do.

20 Q. Why would you consult the Pilots' Committee
21 for this appointment?

22 A. Well, firstly because the Committee, I
23 think, are as anxious as I am that any candidate entering
24 the service is a fully-qualified man. I must admit
25 during my term here as Superintendent that I have found
26 the B.C. pilots are rather jealous of their good name,
27 and they are very, very anxious not to get anyone into
28 the service who would give their service a bad name after-
29 wards, and it is for that reason that I generally consult
30 with the Committee, and they are most anxious to help me



1 in all ways in seeing that the two pilot members are men
2 well-versed in the B.C. coast and well-qualified to
3 examine.

4 Q. The last person on this Board of Examiners
5 is a master mariner appointed by the Authority. In prac-
6 tice, who appoints this master mariner?

7 A. The Authority most of the time will leave
8 that appointment to me.

9 Q. And do you choose a master mariner on
10 active service, or a retired one?

11 A. A retired master mariner, because there
12 is considerable time spent on the examination, and inci-
13 dentally the master mariner who I appoint also represents
14 the Vancouver Chamber of Shipping, too.

15 Q. How come?

16 A. Well, he represents them, and they know
17 very well then that the examination that we are holding
18 is an absolutely fair and impartial examination. After
19 all, they are employing the pilots, too. They don't
20 interfere in any way, but we ask them if Captain So-and-
21 So will be satisfactory to them, and if there is any
22 question relating to the Chamber of Shipping he can bring
23 it up at the examination.

24 Q. Do you consult with the Chamber of
25 Shipping on that nomination?

26 A. I tell them who I am appointing, and they
27 have always agreed that they are very happy with the
28 appointment.

29 Q. Have you any suggestion to make to the
30 Commission as regards this procedure on nomination of a



1 Board of Examiners?

2 A. No, sir, I don't think so. I will leave
3 it to the Commission. The qualifications of the British
4 Columbia pilots throughout this hearing have never been
5 questioned, in fact they have been spoken of highly, and
6 I think that that shows that our examinations are carried
7 out in the best possible manner that we can possibly do
8 them.

9 Q. Thank you. Now, if we may move on to the
10 examination proper. Is it a written or oral examination,
11 or both?

3 12 A. Both.

13 Q. What subjects are covered in the written
14 examination?

15 A. We have one paper prepared by the
16 Examiner of Masters and Mates, which is purely naviga-
17 tional, and consists of chart work, deviation questions,
18 reduction to soundings, radar plots, and other allied
19 subjects. This is prepared by the Examiner and marked by
20 him.

21 Q. Do the other examiners participate in
22 the correction of this paper?

23 A. No, he corrects them himself. He is the
24 Examiner of Masters and Mates, and he does that himself.

25 Q. And he reports the marks to the members?

26 A. Yes. We have a second paper on pilotage
27 knowledge, and I prepare that one, and that embraces all
28 other subjects, such as quarantine regulations, harbour
29 regulations, buoys, lights, tides, knowledge of different
30 harbourmasters' regulations, and things like that. A



1 general knowledge paper you could call it. I prepare
2 that one.

3 Q. Do you consult with the other members of
4 the Board in preparing these questions?

5 A. I prepare it with the help of my District
6 Supervisors, and then I show it, and they approve it.

7 Q. There have been no instances where they
8 have said that your questions have been too easy, or too
9 difficult?

10 A. No. We have a test which is probably
11 unique. We trace a different part of the coast from a
12 Canadian hydrographic chart and purposely miss out eight
13 or ten or twelve dangers or aids to navigation. This
14 traced chart is given to the candidate, and he is asked to
15 lay off a safe course through this area, and add in all
16 aids to navigation, or hazards to navigation that have
17 been missed out.

18 Q. Who had this idea?

19 A. Well, it was one of my brainwaves.

20 MR. LANGLOIS: That is a pretty tough test.

21 I wonder if the master of the "Harriet Maru" could pass
22 this test?

23 THE WITNESS: It is remarkable. Many of the
24 candidates make an almost perfect reproduction of the
25 Canadian hydrographic chart.

26 Q. Are they warned beforehand that this test
27 will be put to them?

28 A. No, the only thing is that after many
29 examinations you have got to jump around a little not to
30 put the same area in, because naturally they go and tell



1 the schoolmaster what area they got, and naturally he
2 puts it down in his little black book for future reference.

3 Q. How much time is given the applicants for
4 each one of these tests?

5 A. The navigation paper is two hours, and
6 two hours on the oral test, and two hours on the chart
7 test. At the same time the Examiner of Masters and Mates
8 examines them in signals, too.

9 Q. What do you mean by signals?

10 A. Morse.

11 Q. Semaphore?

12 A. No, not semaphore. Just Morse and the
13 meaning of important signals of the International Code.
14 That is part of the curriculum.

15 Q. What about the oral examination?

16 A. The oral examination then commences after
17 the written examinations. Each candidate is given a
18 little slip. The examination may be going on for two or
19 three weeks, so to be perfectly fair we put the candidates'
20 names in a hat, and I get my little stenographer to draw
21 the names out, and that is the sequence they come up in.
22 So they can't say we have favoured anybody by bringing
23 him in first. Then they are given a little chit saying
24 "You will present yourself for oral examination on Thurs-
25 day morning," and if we fall behind we adjust the times.

26 Q. Is the appearance for the oral examination
27 dependent on the marks which the candidate obtained in
28 the written examination?

29 A. No, the oral examination is the most
30 important part of the pilot's examination.



1 Q. Do you correct the papers before the oral
2 examination?

3 A. No, we don't have enough time.

4 Q. How long would the oral examination last?

5 A. It depends on the candidate. Some candi-
6 dates are quick, and answer well. Other candidates
7 probably have a good knowledge, but they are very slow.
8 They are like I am on a witness stand. They are very
9 nervous, and their answers are hard to get. We know they
10 know it, but we have to work hard to get their answers.
11 It probably takes three hours to do one man, but that is
12 continuous questioning.

13 Q. What area do you cover?

14 A. The whole of the B.C. coast.

15 Q. Strictly on pilotage?

16 A. The pilot is told when he comes in that
17 we are going to subject him to an oral examination on
18 pilotage in order to find out his knowledge of the
19 British Columbia coast. We stress to him that no questions
20 are trick questions. We are not trying to trap him, and
21 we tell him at the same time that unless he is told other-
22 wise by the Examiner he is to assume he is on a typical
23 Liberty ship, 7,000 tons, 11 knots maximum, and that he
24 has a magnetic and gyrocompass, which we break down quite
25 often.

26 Q. Radar?

27 A. No radar. He has an echo sounder and
28 D/F, but no radar, and he is told that he is expected to
29 give exact courses. That is beyond - he can't do that.
30 In fact, the Department have frowned on even pilots



1 relying on their memory for courses, and he is not asked
2 to give us the full characteristics of the lights. He
3 can say it is a flashing green, or a fixed white. That
4 is enough. If we are asking him to take a ship around a
5 certain part of the coast, he has to take that ship the
6 way a pilot would take a ship, shaping his course, and
7 telling us what he is passing, the local landmarks, etc.
8 Some who have failed have never done that, and have just
9 taken their vessels around in a small boat manner and have
10 no idea of setting proper courses.

11 Q. For that examination is the candidate
12 provided with charts?

13 A. No, sir. He has got to know that.

14 Q. Is he provided with tide and current
15 tables?

16 A. Yes.

17 Q. Is he provided with the light list?

18 A. No, as I say, he should know the lights,
19 whether they are flashing green or fixed red. Otherwise
20 he has not been round there.

21 Q. And is this the last examination he takes?

22 A. After the orals that completes his examina-
23 tion.

24 Q. When, and by whom, are these tests
25 corrected?

26 A. Each examiner independently - this is the
27 oral examination now - each examiner independently marks
28 his own marks, and then after the examination the examining
29 board gather together, and the marks are taken and added
30 and totalled and averaged, and we find out if the man has



1 got the maximum, rather the minimum 70% required to pass.

2 Q. And I dare say this is tabulated against
3 the results of the written examinations?

4 A. All marks are taken into account.

5 Q. And that is when he is assigned a rank,
6 or a standing, as it were, among the applicants?

7 A. Yes, the man with the highest marks is
8 placed as number one on the eligibility list. Mind you,
9 there are two things, eyesight test, hearing and, of
10 course, rule of the road, are passed or failed. They are
11 given marks in that, rule of the road, especially; it is
12 a very important subject.

13 Q. How many names have you got on your eligi-
14 bility list now?

4 15 A. Well, we have just completed an examina-
16 tion, and we are pretty happy. We have got 11 names on
17 there, so we will not be holding an examination for a
18 couple of years.

19 Q. How many applicants did you have?

20 A. This time we only had 20.

21 Q. When were the previous examinations held?

L/dpw 22 A. The last examination, which I think was
23 advertised in July.

24 Q. What year?

25 A. 1962.

26 Q. I meant the one before it.

27 A. In June, 1961.

28 Q. And how many applicants did you have then?

29 A. Twenty-nine.

30 Q. And how many successfully completed the



1 test?

2 A. Five.

3 Q. Five out of 29?

4 A. Yes.

5 Q. Were those five men taken on as pilots in
6 1961?

7 A. They are all serving now.

8 Q. Do you hold a similar examination every
9 year?

10 A. No, sir.

11 Q. What is the approximate interval between
12 the two examinations?

13 A. Well, we have had one in each year. Some-
14 times we go for three years and sometimes for two years.
15 Right now, we are in a cycle. I don't know whether it was
16 caused by the war or not, but the senior pilots are all
17 around my age, 61, so they won't be thinking of retiring
18 for a few years; and they can go on to 70 as long as they
19 are physically fit. We won't have the retirements, and
20 we won't have the applicants.

21 Q. What happens after the successful appli-
22 cant has completed all his examinations?

23 A. They have to continue at sea on the B.C.
24 coast.

25 Q. In what capacity?

26 A. In the capacity they were when they were
27 examined. They are all masters, and they just carry on
28 as masters.

29 Q. What happens if a man were to stop going
30 to sea after he passed the examination?



1 A. Well, he would definitely have to be
2 re-examined. I think there is something in The Canada
3 Shipping Act which says that after two years, if a pilot
4 is off for two years, he has to be re-examined.

5 Q. If a master is off for two years he doesn't
6 have to be re-examined?

7 A. Well, it doesn't happen.

8 Q. It is what would be done?

9 A. Yes.

10 Q. To your knowledge, all the successful
11 applicants have continued going to sea after passing the
12 examination?

13 A. Some applicants come up three or four
14 times, and each time they come up they produce further
15 evidence since their former examination and they are asked
16 if they have been involved in any casualty since their
17 former examination.

18 Q. Why would they come up for further examina-
19 tion?

20 A. They have failed the examination. They
21 keep at it, they don't stop.

22 Q. Have you checked the career of the success-
23 ful applicant between the time he has passed his examina-
24 tion and reported to you?

25 A. Yes. They always come and they ask if
26 they are getting near the top and where they are.

27 Q. Do you require them to keep in touch with
28 you and to let you know where they are and what they are
29 doing?

30 A. Oh, yes.



1 Q. You do?

2 A. Yes, sir.

3 Q. I believe you mentioned when a vacancy
4 occurs the man whose name appears at the top of the list
5 is chosen?

6 A. That is right.

7 Q. What sort of licence is he issued then?

8 A. A probationer licence.

9 Q. Is there a further examination when you
10 issue a probationary licence?

11 A. Just a medical examination.

12 Q. What are the duties of a probationary
13 pilot?

14 A. Well, when he comes in for the first
15 month - I am repeating what happens in New Westminster,
16 because New Westminster copied our bylaws - after the
17 first month he is told that he is going to sea for the
18 next two weeks. I put him on continual harbour shift,
19 and in Vancouver Harbour we get quite a lot, and he does
20 nothing but shifts, shifts, shifts with another pilot.

21 Q. Does he actually handle the ship or does
22 he just watch?

23 A. He just watches and he asks questions and
24 he is encouraged to do that by the pilot. He is told not
25 to feel ashamed to ask questions. If he doesn't, the
26 pilot will think this is a dumb bunny we have here.
27 Actually they are most anxious to get all the knowledge
28 we can possibly give them.

29 Q. Do you have an examination on ship
30 handling?



1 A. Yes, we have that.

2 Q. In the harbour?

3 A. Yes, we have that.

4 Q. Docking and undocking?

5 A. We have a full-scale model of La Pointe
6 Pier. It is probably one of the most difficult piers,
7 and we have models of ships. We have got to keep making
8 new models as the ships get larger.

9 Q. Do you have bridge-aft models?

10 A. No. We have little models of scows,
11 indicating the direction of wind, tide. We will put one
12 at La Pointe, one at No. 2 and No. 4, and we tell him to
13 take the ship into La Pointe, a most difficult berth to
14 get into, and we ask what he would do. The two pilot
15 members are the ones who would ask the most questions in
16 that regard.

17 Q. Is he asked about the engine movements?

18 A. Yes, use of engines, use of anchor, how
19 he would counteract the tide.

20 Q. Among the applicants you have, would you
21 tell the portion which held a master's tugboat ticket and
22 those which held higher certificates?

23 A. I haven't got those figures here. I have
24 them. It would take some time. Could we take, say, our
25 Committee now? I know those men pretty good. Take the
26 Committee as an example. The Chairman of the Committee
27 is a coastal master and he has vast coastal experience,
28 with deep sea experience as a junior officer. The other
29 two are coastal passenger men with deep sea experience.
30 The fourth is a master mariner deep sea who learned the



1 coast the hard way, starting from the foc'sle up; and the
2 fifth one has vast experience in tows, and so on.

3 Q. As Chairman of the Board of Examiners,
4 have you noticed any significant difference in the ability
5 to pass examinations and the knowledge of the candidates
6 among the various classes of certificates they hold?

7 A. No. You get men, no matter who they are,
8 who are observant men and watch everything; and we have
9 had men, well-spoken men, good command, who have failed,
10 and they probably spent most of the time in the bunk and
11 left it to the mate. You get so many different types.

12 Q. In your experience as Local Superintendent,
13 can you tell whether the pilots holding master deep sea
14 tickets are more competent to handle ships, large ships,
15 than those who hold master tugboat tickets?

16 A. Probably at the start they might be a
17 little more conversant with the routine of a big ship.
18 But, frankly, when I think of all the pilots, I have had
19 some wonderful ship-handlers who have been tugboat men.

20 Q. In your view is the nature of the certifi-
21 cate held by the pilot of great importance in his work?

22 A. The most important thing is his British
23 Columbia coast experience.

24 Q. Regardless of his certificate?

25 A. Regardless of his certificate. And when
26 I say that, I mean experience which is getting more diffi-
27 cult to obtain now. We find that men from the coastal
28 tankers, which nowadays go into every little hole and
29 corner with small assignments of oil, get a complete know-
30 ledge of the coast.



1 One thing that is worrying me is that the
2 shipping on the coast is not what it used to be. It is
3 harder to get pilots, and I must admit that the use of
4 radar is spoiling our pilots.

5 Q. Would it be fair to say that the knowledge
6 required of pilots on the British Columbia coast may not
7 be particularly ship handling when coming alongside but
8 would rather be a thorough knowledge of the ports of the
9 coast and the prevailing tide and current conditions in
10 those ports?

11 A. Yes, I would say that, a very thorough
2 12 knowledge of the coast and a very thorough knowledge of
13 the places like Johnstone Channel and inside the passages.

14 Q. Do you feel that it would serve useful
15 purpose if the District of British Columbia were sub-
16 divided into sub-districts with pilots doing work only in
17 one such sub-district?

18 A. No, I think probably that would be a
19 retrograde step. That was found to be a poor system by
20 Mr. Justice Auley Morrison in his inquiry in 1927. The
21 trouble is if it was divided it would mean changing pilots
22 at the borders and shipping would be inconvenienced.

23 If we can get back to the probationary pilots,
24 getting up at sunrise and going to bed at sunset ---

25 Q. He does that for how long?

26 A. Two weeks.

27 Q. And after that what does he do?

28 A. I ask him if there is any place he would
29 like to go in specially, more from the height of a big
30 ship's bridge, and he might say he would like to refresh



1 himself on a particular spot, and we put him in there with
2 a particular pilot.

3 Q. I suggest, too, that you take into account
4 bridge-aft ships with a probationary pilot?

5 A. We don't have too much trouble with bridge-
6 aft ships. We take them around.

7 Q. For how long does he do this sort of work?

8 A. Another two weeks.

9 Q. And after that?

10 A. And then he is on his own. We will watch
11 him and not give him something too difficult until he gets
12 his feet wet.

13 Q. Is there a tonnage he is limited to?

14 A. He is limited to vessels under 20,000
15 tons.

16 Q. Is he limited as to the draught of the
17 vessel?

18 A. No, not draught. We don't let a proba-
19 tionary pilot take a heavily-loaded ship through the
20 Second Narrows Bridge.

21 Q. How long does this restriction last?

22 A. During his probationary period. The
23 20,000-ton limit goes on for five years.

24 Q. During the first month that he is on duty
25 do the pilots report to you on his ability?

26 A. They sure do.

27 Q. Are they requested to do so or do they
28 do that on their own?

29 A. No, they are requested to do so. But they
30 watch him. They watch him right through the whole year,



1 in fact; it is not just the four weeks.

2 Q. Do you keep a record of the probationary
3 pilot's record?

4 A. Actually when they are finished with
5 probation, sometimes there is no question; they come in
6 and say, "We have a fine man there." If there is any
7 slight question, I will send a letter or something to
8 this effect: "In a matter of a few weeks the probationary
9 licence of John Jones will expire and it will be necessary
10 to act on this. Before applying for a permanent licence,
11 I must have your concurrence. Any adverse report must be
12 irrefutable. You must understand hearsay and unsubstan-
13 tiated talk cannot be considered." And if everything is
14 all right, we recommend to the Pilotage Authority that
15 John Jones has the qualifications necessary for a B.C.
16 pilot and he should be granted a permanent licence.

17 Q. And then is the licence limited to a
18 particular period of time?

19 A. No.

20 Q. It is for an indefinite period of time?

21 A. Yes.

22 Q. And unlimited as to tonnage and draught?

23 A. No.

24 Q. Is there any rule on going through the
25 Second Narrows Bridge which is available in your Depart-
26 ment?

27 A. That is in the local regulations. It is
28 not a regulation, it is our own recommendation.

29 Q. It is not written anywhere?

30 A. It is in the Pilotage Manual.



1 Q. So the pilot is fully aware of this
2 restriction?

3 A. We recommend that it is not safe to take
4 deeply loaded vessels through the Second Narrows Bridge
5 when the height of the tide is less than four feet because
6 of the varied current you get across there. And if the
7 master should demand to go through, all we can say is,
8 "Captain, we don't recommend it, it is dangerous. If you
9 want to go through, you are the one that is accepting the
10 responsibility." The British Columbia pilots are there in
11 an advisory capacity and they do not refuse to take ships
12 in. They advise the master if it is dangerous, but they
13 will help him, and I don't think the masters have yet
14 gone against the pilot's recommendation.

15 Q. I was talking about the restriction on
16 probationary pilots going through the Second Narrows
17 Bridge.

18 A. I guess I got a little ahead of you.
19 We said that.

20 Q. And you said this restriction lasted for
21 five years.

22 A. No, the 20,000-ton limit ---

23 Q. How many ships would be 20,000 tons?

24 A. Not too many.

25 Q. Going through the Second Narrows Bridge.

26 A. It is increasing now again. It depends
27 what happens. When the Suez Canal episode happened they
28 came through steadily. This died off, and now we have
29 the bulk carriers coming out from Port Moodie.

30 Q. But this restriction is not necessarily in



1 the pilot's licence?

2 A. No. He only has a probationary pilot's
3 licence, and there is nothing on that at all.

4 Q. Referring to Bylaw 23, concerning the
5 employment which pilots must not take outside of their
6 job, have you ever had any difficulties with them in that
7 regard?

8 A. No, sir. We had one case where a proba-
9 tionary pilot had been working for a certain company and
10 apparently they had given him more leave than he was
11 entitled to, and he came to me and said he had to pay
12 some money back to them and he wanted time off and I said
13 I couldn't do it, and I refused to let him do it.

14 Q. Bylaw 24, as regards the general duties
15 of pilots, and I refer you to sub-section (a). Have you
16 had any case where a pilot has quit a ship or has refused
17 to perform his duties?

18 A. Never, in that respect. I had one case
19 where a pilot 'phoned me up and said the master of a
20 certain type of ship, a certain flag - I won't mention
21 the flag, but it wasn't a northern country - wanted the
22 pilot to take the ship through a particular spot in the
23 middle of a howling tide, and he said, "Captain, I won't
24 do it." The skipper was a little crabby, because he
25 said, "I want to go through there. My insurance company
26 will pay for any damage, but I am not insured for my oil
27 costs." The pilot very sensibly 'phoned me up and he
28 said, "I'd better stay on deck. I'd better not go into
29 the chart room, he is boiling mad." I told him to get
30 hold of another pilot and to tell him to relieve him.



1 The master eventually calmed down and they didn't go
2 through there, they came down the east side.

3 A pilot may say, "I am tired," and we put
4 someone else on. But no one has ever refused.

3 5 Q. Now, Clause 25, concerning directions
6 given by a harbourmaster. Are there any particular
7 problems here concerning the directions given by the
8 harbourmaster?

9 A. No, no problems. Any directions given by
10 the harbourmaster are strictly obeyed.

11 Q. Does the harbourmaster consult with the
12 pilots as regards the movement of vessels?

13 A. We have found throughout the years that
14 the only way we can solve these problems is by calling a
15 meeting and kicking it around. We have frequent meetings
16 with the harbourmaster on any of these problems.

17 Q. What I had in mind was if a vessel has to
18 move from one wharf to another within the harbour. Does
19 the harbourmaster, before ordering any movement, consult
20 with the pilots to find out whether it is feasible?

21 A. Oh, no, the movements are carried out with
22 regularity and there is no worry there. The ship's agents
23 request the berths and have them assigned to them by the
24 harbourmaster. If they request anchorage, the harbour-
25 master must assign them. It is just as simple as that.

26 Q. There is no problem as regards tide and
27 current which prevents movement in the harbour?

28 A. Well, sometimes the tide is running a
29 little strong and they will hold off, and the pilot may
30 say it is advisable to wait an hour. This would apply to



1 a place like the dock at the Second Narrows Bridge where
2 the flood tide is strong. In fact, we have had a direc-
3 tive from the Pilotage Authority to use great discretion
4 in docking there in the flood tide. My dispatchers are
5 well-conversant with that, and the agent will 'phone up
6 and say, "I want a shift to go alongside terminal No. 1
7 at 2 o'clock in the afternoon. Is it all right?" We
8 glance at the chart and say, "It is better if you lay off
9 till 5 o'clock," and he will say, "All right, order the
10 pilot for 5 o'clock."

11 Q. Has there ever been any clash between you
12 and any direction the harbourmaster may have given?

13 A. No, nothing like that.

14 Q. Clause 26, in regard to casualties, I
15 wonder if you would tell the Commission how many casualties
16 you have had during the past year?

17 A. The British Columbia pilots are required
18 to report every casualty, no matter how minor. This might
19 be different in other districts, but in this district,
20 even if it is just a chip of cement out of the dock, it
21 has to be reported. In 1962 we had 29 casualties through-
22 out the district, 27 of which were of a very minor nature.
23 There was one serious one, the Grenville, and one in the
24 medium range, you might say, the Soutouis, at the copra
25 dock.

26 Q. What was the nature of that casualty?

27 A. It was a great big bridge-aft ship, and
28 she was coming in at dead slow speed and she took a little
29 sheer and put her nose into the piles.

30 Q. And the 27 other casualties, what is the



1 nature of those?

2 A. They are all in the annual report.

3 Q. You may refer to your report.

4 A. Every casualty is reported in the annual
5 report. If I may quote some of them quickly. "Ventura,"
6 Pilot So-and-So - his name.

7 MR. JACQUES: This, my lord, was not filed with
8 the annual report obtained from Ottawa, for the simple
9 reason that we requested the Department of Transport to
10 prepare a summary of all casualties in all districts,
11 omitting the name of the pilot and the name of the master.
12 I wonder if it would be proper at this moment to file this
13 report, which gives the name of the ship and also the name
14 of the pilot?

15 THE WITNESS: There is nothing to be ashamed
16 about in the casualty reports.

17 THE CHAIRMAN: All right. You can file it.

18 THE WITNESS: The number of casualties ---

19 MR. JACQUES: Just a minute, please.

20 MR. LANGLOIS: Excuse me, my lord. Will you
21 file it as a bundle with the other exhibit?

22 Q. Have you prepared a similar report for the
23 years 1958, 1959, 1960 and 1961?

24 A. Yes, there is an annual report every year.

25 Q. I understand that there is an annual report
26 every year, but for those years which I have just
27 mentioned have you got a summary of the accidents and
28 casualties?

29 A. We have them on file.

30 MR. JACQUES: Perhaps, my lord, it would be



1 better if we were to file in a bundle a list of accidents
2 and casualties for the years 1958 to 1962 inclusive.

3 THE WITNESS: I can't get that till Monday.

4 MR. JACQUES: You can send them to the Commis-
5 sion later on, sir.

6 THE CHAIRMAN: As part of Exhibit 213.

7 --- EXHIBIT NO. 213: List of casualties for B.C. District
8 for the years 1958, 1959, 1960,
9 1961 and 1962.

10 Q. Glancing at the report for 1962, would
11 you briefly tell the Commission the various natures of
12 these accidents?

13 A. Most of them are very minor accidents
14 when docking. Most of them have no damage to the ship
15 and very slight damage to the dock, which might mean a
16 splintered pile, or a chip of cement out.

17 Q. From that report are you able to tell the
18 Commission the probable cause of these accidents?

19 A. They varied. The cause of the accident
20 is stated generally in the report. One is the flared bow
21 caught the dock superstructure when leaving. The docks
22 in Vancouver are not built for ships with large flared
23 bows. The Columbia elevator, a ship has 6 inches clearance
24 between the bridge and the spouts, and with one degree of
25 list the dock is damaged. A vessel damaged the berth
26 when leaving due to an incorrect helm order. C.N.R. West
27 - leaving the dock the pilot received the wrong engine
28 movement, causing the vessel to strike a coastal vessel
29 and the berth. No damage was caused to the berth and
30 slight damage was caused to the coastal vessel. La Pointe
No. 5, anchor failed to hold, stern set under the dock.
Victoria, vessel caught in sudden squall when leaving
dock and set on the dock. C.P.R. Wharf, Victoria. Flare



1 of the bow caught the passenger gallery on the dock. In
2 this respect that flare of the bow of the same ship
3 caught the dock three times. It was a special passenger
4 vessel being employed to transport passengers to the
5 World's Fair in Seattle.

6 MR. JACQUES: Excuse me, my lord, I have been
7 handed these summaries I referred to a moment ago concer-
8 ning the casualties in the B.C. district, so they may be
9 filed now in a bundle.

10 THE WITNESS: The percentage of casualties in
11 British Columbia to the number of jobs performed very
12 rarely exceeds 0.3 of one percent.

13 Q. This is very low indeed, sir?

14 A. I have remarked about that in my report,
15 that it is a credit to the district.

16 Q. For all these accidents has there ever
17 been any inquiry held by the Department of Transport?

18 A. Yes.

19 Q. Was that recently?

20 A. Last year the Department held an inquiry,
21 sent their casualty investigation officer out to hold an
22 inquiry on the "Granville."

23 Q. Is that the only one you have had?

24 A. Last year.

25 Q. And during the previous years?

26 A. Yes, there have been inquiries. If the
27 accident is minor, I deal with it myself. And then put
28 the report in to the Department with my recommendation.
29 If it is not minor, I will report it immediately. The
30 first thing I do is generally wire it to Ottawa, in case



1 there is a question in the House of Commons, so that the
2 Minister will have the information and be able to answer
3 it, and then recommend that a preliminary inquiry be held
4 or the Department themselves, on my report, can decide
5 naturally that a preliminary inquiry should be held. In
6 that case it is then taken out of my hands, and put into
7 the Examiner of Masters and Mates who generally holds the
8 preliminary inquiries here.

9 Q. To the best of your knowledge are all the
10 accidents reported to you?

11 A. Yes. In fact, often an accident is
12 reported where there has been no damage to the dock, or
13 to the vessel.

14 Q. Is it reported on the standard form, known
15 as the pink sheet?

16 A. Actually that is not a pink sheet. It is
17 a casualty report, and that is what it is reported on.

18 Q. How do you proceed when holding your
19 inquiry?

20 A. Firstly we study the casualty report, and
21 then ask the pilot to report personally to the office.

22 Q. Are you alone when you hold this inquiry?

23 A. If it is a minor one, yes. If it is any-
24 thing questionable, the Committee will be there.

25 Q. The Pilots' Committee will be there?

26 A. The Pilots' Committee.

27 Q. Have you ever had a request for shipowners
28 to be present at those inquiries?

29 A. Mr. Middleton mentioned one, and I can't
30 remember it. It is so long ago. I remember the casualty



1 very well, and at the time, I have looked the reports up,
2 and it was a minor collision between two vessels in the
3 First Narrows, and probably Mr. Middleton and I got a
4 little crossed in those days. It is quite easily
5 explained if I did say he couldn't be present. All I did
6 at that time was examine the pilots for the Department of
7 Transport. It was not a public hearing or a preliminary
8 examination hearing even. It was just questioning the
9 pilots from the professional point of view, to put my
10 report in to the Department for them to carry on from
11 there

12 Q. I understand from your evidence that you
13 hold an inquiry if it is a minor matter, and you take
14 action yourself?

15 A. Yes.

16 Q. From these inquiries have you ever had
17 requests from shipowners or dockowners for that matter ---

18 A. Not to be present. They have asked me
19 for a report.

20 Q. Have you complied with their request?

21 A. Yes, I have told them I can't give them
22 an exact copy of the casualty report, because that is
23 classified as a confidential document, but I have been
24 given authority to give them a paraphrased report, and
25 if their lawyer 'phones up, and I am sure he is represen-
26 ting the ship and not the enemy, I will send the pilot
27 over, and they will question him and call him as a witness,
28 if necessary.

29 Q. Have you ever had any requests from the
30 pilots themselves to have a lawyer present at those



1 inquiries?

2 A. No.

3 Q. Never?

4 A. No. I have had a request in the "Gran-
5 ville" accident. At least, I wasn't doing it, but the
6 casualty officer was doing it, and he said before he
7 questioned the pilot he could have legal counsel, or the
8 Chairman of the Committee there, and he said he preferred
9 to have the Chairman of the Committee.

10 Q. Do you have anything to do with the
11 inquiries held by the Department?

12 A. Not the preliminary inquiries, no.

13 Q. Now, sir, I refer you to Section 26(1)(c),
14 stating that a pilot shall report any violation of the law
15 on the part of other vessels. Can you give me an instance
16 of a violation of the law which has been reported?

17 A. Yes, we have had several cases where,
18 maybe I am being rather biased, but it is always tugs and
19 tows that causes the trouble in the First Narrows, and
20 we have had cases where the tugs have been coming in or
21 going out on the wrong side of the channel, or crossing
22 the channel, and the pilots have reported it to me, and
23 I have reported it to the harbourmaster, but in most cases
24 that is as far as it has gone. It seems to die there.

25 Q. Would they report to you, for instance,
26 such a thing as a vessel dumping oil overboard?

27 A. Yes, that has been done.

2 28 Q. What do you do with such information?

29 A. As soon as I get it I jump into the
30 Divisional Supervisor of Steamship Inspection Services,



1 and let him know about it, because he is in charge of oil
2 pollution. We have helped him all we can. We have sent
3 the pilot boats from Victoria and the Fraser River out
4 quickly, and tried to get samples of oil for the prosecu-
5 tion.

6 Q. Concerning Sections 29, 30, 31 and 32,
7 concerning the conduct of pilots, the use of liquor and
8 drugs, and various prohibitions, have you had any cause
9 to apply any of these articles?

10 A. We have had in my time two cases of
11 wrongful use of alcohol. That is all.

12 Q. Now, sir, have you ever had any cases
13 where a mass meeting of the pilots has been held?

14 A. Oh, they have their own meetings. I
15 don't know what goes on. We call it an Irishman's Parlia-
16 ment. All we can hear is noise in there and see smoke
17 coming out over the top of the transom. I don't know what
18 goes on in there.

19 Q. But have you ever been faced with a meeting
20 so general as to prevent or impede the movement of vessels?

21 A. No, definitely not.

22 Q. Has such a meeting ever been threatened?

23 A. No, I have never been threatened.

24 Q. Now, sir, I refer you to leave of absence
25 and sick leave. Would you explain to the Commission how
26 this leave system works for B.C.?

27 Q. When I took over the position of Super-
28 intendent in 1953 pilots had one month's annual leave a
29 year, and at that time they were having six days leave,
30 as they called it, but it was not exactly leave. It is



1 not in the Bylaw, but it was six days period of a rest
2 period per month, during which time they were kept off
3 duty if possible to rest, and only called back if the
4 demand got so heavy that we ran out of pilots. In 1958
5 they took on extra pilots, and they were thinking about
6 putting their leave up to $7\frac{1}{2}$ days. Their rest period
7 up to $7\frac{1}{2}$ days, to take advantage of the extra pilots, and
8 then it was suggested that they cut that to five days,
9 and take a month's accumulated leave, and I said I didn't
10 think much of that, and they dropped it. But this year
11 again they have cut their leave to six days again from
12 $7\frac{1}{2}$ days, and have taken a month's accumulated leave in
13 addition to the annual leave. This has been approved by
14 the Department, but in my personal opinion, just my own
15 opinion, I don't think it is a better idea. I think their
16 monthly rest period is more important, to get more rest
17 between jobs, but that is only my personal opinion, and
18 certain of the pilots feel the same way, but the majority
19 feel the other, I suppose.

20 Q. Do you have any requests for leave of
21 absence without pay?

22 A. No, sir, not that I can recall.

23 Q. On the average, out of your 66 pilots,
24 taking into consideration regular leave and sick leave,
25 how many would be on the job, on the average, per month,
26 or per week?

27 A. Right now, with this new leave since the
28 1st of January, 44.

29 Q. Out of 66 pilots you would have 44 on
30 duty, or on call?



1 A. Forty-four actually on duty, and we could
2 have another 11 on call, although actually they are not
3 on the roster.

4 Q. But, in other words, you are doing the
5 job with 44 pilots working full-time?

6 A. Yes.

7 Q. Did you say that this system was inaugurated
8 this year?

9 A. January 1st.

10 Q. And during 1962 what was it?

11 A. Thirty days annual and $7\frac{1}{2}$ a month rest
12 period if it was possible.

13 Q. And on the average how many pilots would
14 you have actually working last year, per month or per
15 week?

16 A. Per month roughly about 50.

17 Q. Whereas you now have 44 pilots, sir. Have
18 you ever had any cases of unfitness for duty dealt with
19 by Sections 36 and 37 of your Bylaw?

20 A. No, the eyesight, now the regulations
21 have been relaxed by the Department with regard to eye-
22 sight, which helps considerably. A pilot now is allowed
23 to wear corrective lenses, and this to my opinion is a
24 good move, because if a man had some defect he would try
25 to hide it in the old days, and it would probably worsen,
26 whereas nowadays he can have it corrected, and with
27 corrective lenses they have no difficulty in passing the
28 highest standard test. It is a good thing, I think.

29 Q. Have you any pilots with contact lenses?

30 A. No, there are three now that wear glasses.



1 They wear ordinary glasses.

2 Q. Ordinary glass spectacles?

3 A. Ordinary spectacles, yes. I don't know
4 whether contact lenses would be better than that, whether
5 they would be better than glasses.

6 Q. Well, I have been given to understand
7 that they are better than glasses. I refer you to
8 Section 2 of the Bylaw, which defines various words.
9 Would you have any comments to offer on these definitions?
10 Do you find them adequate?

11 A. Yes, they are adequate, except - yes, they
12 are adequate.

13 Q. What about scow?

14 A. That is a contentious one that has just
15 come up since the New Westminster hearings, and a case in
16 point, 10 days or two weeks ago - before that we have had
17 no trouble on that, but the word scow now in our Bylaw
18 means any barge having no living accommodation, which
19 covers quite a scope. I saw an American barge come in two
20 weeks ago, the first time she came in here, and she had -
21 well, I should imagine nearly 200 trailer vans on board,
22 53 cars, one helicopter and a huge distilling apparatus,
23 yet she was a scow, because she had no living accommoda-
24 tion.

25 Q. Did she take a pilot to come in?

26 A. No, she was a scow. I have taken this up
27 with my Department, and I think they intend to take that
28 definition up and rectify it in the new edition of the
29 Bylaw, which is being prepared now.

30 Q. Do you feel that such scows as you have



1 just mentioned should pay pilotage dues?

2 A. Oh, yes. She is carrying as much as a
3 cargo vessel nearly in one way and the other.

4 Q. Do you feel that she might use a pilot
5 sometimes?

6 A. No, I don't think so. They are coastal
7 vessels, you see.

8 Q. They would be familiar with the coast?

9 A. Yes.

10 Q. Even though they are not Canadian?

11 A. Yes.

12 THE CHAIRMAN: Would you allow a layman question?
13 Section 20 with regard to eyesight tests. I see that when
14 a pilot reaches his 45th birthday he is obliged to pass an
15 eyesight test, but when he has passed that 45th birthday,
16 then he is considered to have passed the test. Why is
17 that?

18 THE WITNESS: He goes on the lower standards.

19 THE CHAIRMAN: But what is the reason behind
20 that?

21 THE WITNESS: I think, my lord, the man passing
22 the higher test, a younger man has very, very keen eye-
23 sight, and when he is 45 I don't think any of us at 45
24 probably have the keenness that we had at 25 or 30, and
25 the lower test simply means that instead of reading the
26 bottom line of the card, he is required to read the third
27 from the bottom. He still has very good eyesight. He is
28 tested on colour blindness and the likes and the lantern,
29 but they just don't take him down the bottom two lines on
30 the card. That is about all there is to it, sir.



1 --- Short Recess

2

/dpw

3 Q. To finish the last subject with which we
4 were dealing, would you have any other comments to offer
5 on the definitions given in the Bylaw or in the interpre-
6 tation of this Bylaw?

7 A. No, sir. I think the only one that is a
8 little contentious is the definition of "scow."

9 Q. Now, sir, one last subject: Exemptions
10 granted under The Canada Shipping Act and under the Bylaw.
11 Would you explain to the Commission how these exemptions
12 work here on the British Columbia coast?

13 A. The Canada Shipping Act, we follow it
14 closely. Occasionally we have not billed a certain ship
15 because it was coming in for some reason that the pilots
16 in their own goodness thought it was a shame to bill. One
17 was a Japanese ship which came in for celebrations, and
18 the second was a Chilean or Peruvian training ship, and
19 in both cases the pilots asked not to bill them.

20 The 250-ton net exemption is on all ships
21 registered in Her Majesty's Dominions and 250 tons of
22 such ships which the Pilotage Authority of the district,
23 with approval, may determine and exempt from the compulsory
24 payment of dues. I am going back before my time when there
25 was an agreement which was drawn up apparently between
26 the Vancouver Chamber of Shipping and the British Columbia
27 pilots when compulsory payment of dues was enacted in 1949.

28 Q. Is that a written agreement?

29 A. I don't know. I have never seen it.

30 Q. Anything else?



1 A. And at that time one of the conditions of
2 compulsory payment of dues was that American ships
3 proceeding off the inside passage, not calling at any
4 Canadian port, would not be billed. Similarly, any ship
5 under 250 tons would not be billed. In this respect ---

6 Q. Excuse me, is that any ships under 250
7 tons and under any flag?

8 A. Yes, but it is purely American; we have
9 had no other nationality.

10 Q. Is that calling at any port?

11 A. Calling at any port - they were not
12 billed.

13 Going from that, I understand that if they had
14 not done that they could have possibly been more or less
15 in a chaotic state in the whole area, because we had
16 ferries, C.P.R. ferries, running down steadily.

17 Q. From where?

18 A. From Vancouver.

19 Q. That is ferries under the Canadian flag?

20 A. Yes. We had ferries running from Victoria;
21 there was one running from Los Angeles. There was one
22 running backwards and forwards between Anacortes, Washing-
23 ton to Sidney, Vancouver Island. There were certain little
24 Canadian coasters running down to Seattle and back to
25 British Columbia. There was a little ship called the
26 "Lovejoy." If this had been enforced, then it would have
27 meant our pilots would have been on board and the thing
28 would have been chaotic. This is why the gentleman's
29 agreement was made between the Chamber of Shipping and
30 the British Columbia pilots. It is long before my time,



1 and I think they may have better knowledge of it than I
2 have.

3 Q. Do I understand that similar exemptions
4 were granted for some pilotage districts in the U.S.A.?

5 A. Yes. The Puget Sound pilots did not
6 enforce pilotage on our small vessels. Just now, I am
7 afraid if we began to enforce this again it would only
8 worsen the international situation which is in the hands
9 of External Affairs, and I would like to leave it there.

10 Q. Today, what benefits exist from this
11 gentleman's agreement, for any ship?

12 A. There are quite a few go up to Alaska
13 from Seattle. How many, I don't know, because we don't
14 keep track.

15 Q. How many Canadian ships benefit from
16 this?

17 A. The C.P.R. run a ferry from Victoria, I
18 believe, to Seattle, and one ship a day from Victoria to
19 Seattle. I think the ships of Northland Navigation,
20 Fraser's, go down there and backwards and forwards.

21 Q. And to the best of your knowledge, these
22 Northland Navigation ships are exempted from pilotage
23 going to Seattle?

24 A. That is right.

25 THE CHAIRMAN: What about the new ferry that
26 goes to Prince Rupert?

27 THE WITNESS: To Alaska?

28 THE CHAIRMAN: Well, to Prince Rupert.

29 THE WITNESS: That is Alaska, from Prince
30 Rupert to Alaska, my lord. I know we don't bother about



1 it, and I don't think they do. It is just another gentle-
2 man's agreement.

3 THE CHAIRMAN: That is right; I just wondered
4 about it.

5 MR. JACQUES: Your witness.

6 THE CHAIRMAN: About that question of the
7 situation now for these exemptions, do you think it
8 should stand that way? Do you think it is better, in
9 your opinion?

10 THE WITNESS: Well, before the Puget Sound
11 difficulties, my lord, I think it was a very, very
12 sensible way of operating, and throughout the years it
13 worked very, very well and there was no trouble whatsoever.
14 It would be, in my opinion, rather foolish to say a ferry
15 running from Anacortes to Sidney should carry a pilot or
16 be charged pilotage dues. So I think it was a very, very
17 sensible idea in the first instance.

18 THE CHAIRMAN: We have the same situation
19 between the Great Lakes and Nova Scotia, and it might be
20 wise to have this situation, to have an agreement between
21 the two countries, maybe.

22 THE WITNESS: After all, sometimes it is better
23 to look at it from a logical point of view than right down
24 to the letter of the law.

25
26 CROSS-EXAMINATION BY MR. LANGLOIS:

27 Q. Captain Eddy, you described the shift
28 tests which are required of pilots before they are admitted
29 to the pilotage licence. Do you think that these tests
30 are absolutely necessary?



1 A. You mean the tests for the pilots?

2 Q. Yes.

3 A. Yes, I think they are necessary to main-
4 tain the high standard of the service.

5 Q. Even though these candidates have exten-
6 sive experience in coastal shipping navigation?

7 A. Yes, definitely.

8 Q. Would you say that the master of the
9 "Harriet Maru" could pass these tests?

10 A. I am sure he couldn't. I think definitely
11 he couldn't.

12 Q. Coming back to these days off, how many
13 days off in a year are pilots off the roster altogether?

14 A. Actually, when he is on duty he is never
15 off the roster, because as soon as his travelling time
2 16 allowance from where he is getting off is adjusted, his
17 name automatically goes on the roster whether he is back
18 or not.

19 Q. And he continues on duty 365 days in a
20 year?

21 A. No, they have their 30 days annual leave,
22 when they get down among the girls in Nevada. The other
23 30 days accumulative leave - it is pretty hard to hold a
24 man down, when he has got 30 days off, to a telephone.
25 You are defeating the purpose if you do.

26 Q. Is it not a fact that the pilots are 120
27 days a year off the roster, 90 days of which they are
28 subject to recall?

29 A. They are off 120 or 121, somewhere around
30 there. Thirty days of that they are absolutely clear.



1 The other 30 days they are subject to recall, provided
2 you can get them.

3 MR. LANGLOIS: At this stage, my lord, I wish
4 to bring to your lordship's attention that in other occu-
5 pations normally one would get 100 days off, counting
6 Saturdays and Sundays off, in the year, and normally
7 there would be two weeks annual leave, which would be
8 114 days plus seven statutory holidays, for a total of
9 121. This is compared to 120 days to the pilots, but the
10 pilots are subject to recall for 90 of those days. That
11 is all.

12 MR. JACQUES: And I think all employees are
13 subject to recall. Even Mr. Langlois may be, on a Sunday,
14 at home or on board his yacht; and if he has a very
15 important client calling at the office, I know he would
16 go into the office, as we all do.

17
18 RE-DIRECT EXAMINATION BY MR. JACQUES:

19 Q. You have mentioned 120 days off, 30 of
20 which are free from call.

21 A. 30 days, according to the bylaw, yes.

22 Q. And 90 of which the pilot is subject to
23 recall?

24 A. Yes.

25 Q. In practice does it happen that you have
26 to recall a man from his vacation?

27 A. This new 30-day vacation, it has only
28 been in force for two months, and I have not had a chance
29 to assess it. But before, when they had 15 days every
30 two months, approximately $7\frac{1}{2}$ days a month, when the



1 business has stepped up - pilotage is not consistent; one
2 time you are very busy and another time you are slack -
3 I have had to call them back. On one or two occasions I
4 cancelled all weekly leave, I cancelled all monthly leave,
5 because we just couldn't handle the traffic.

6 I think as far as I remember - and I may be
7 checked if I am wrong - we have never yet run out of
8 pilots, although sometimes we have been down to the last
9 man, and we have worked them rather hard when things are
10 busy.

11 MR. LANGLOIS: In order to have everything
12 about these days off and the work in the evidence, I
13 would ask your leave, my lord, to file some of the
14 statistics which I undertook to file the other day.

15 First of all, I have here work sheets in a
16 bundle. These work sheets were filled at my request by
17 pilots from their personal diaries. These work sheets,
18 I understand, were supplied by the Department of Transport
19 some years back, but for some reason they have never been
20 used or they have been discontinued.

21 THE WITNESS: They were given to the pilots
22 many years ago, and the pilots never handed them in, they
23 specifically refused to hand them in and said it was none
24 of their business what hours they worked.

25 MR. LANGLOIS: Unfortunately, I have been
26 unable to obtain these sheets from all the pilots because
27 I understand they were not all keeping them. But I have
28 here sheets for the month of June, September, November,
29 December, in 1961, by Pilot Unwin; January, February,
30 March, May, July, October, November, December, 1962, from



1 Pilot Unwin. Farley, Dance, Unwin again, Green, Galex,
2 Green, Farley again, Davenport, another Pilot Green -
3 there are two pilots named Green - Doherty, McLeese,
4 November, 1962, December, 1962, January, 1963.

5 This one, for example, shows that for four
6 months Pilot McLeese put in 501½ hours on board ship,
7 and the average was 7.2 hours per day on board ship, and
8 total hours away from home, 769 hours, or an average of
9 11 hours per day away from home.

10 Then, for 1963, January, we have Dance, Green,
11 Trail, Farley, Craddock, Green, Stephens, Wilson, Gough.
12 That is for the month of January, 1963.

13 For February, 1963, we have Dance, Trail, Green,
14 McNeill, Stephens and Gough again.

15 I will file this, my lord.

16
17 --- EXHIBIT NO. 214: Work sheets of pilots.

18
19 MR. LANGLOIS: Then, my lord, I have also
20 requested the pilots to fill in a form - I didn't count
21 them, there is a whole lot of them - of British Columbia
22 pilots' total sea experience previous to becoming a pilot,
23 with the position occupied on the ship, approximate time,
24 years and months, of service, type of vessel, passenger,
25 freight, cargo or tanker, and trade, coast or foreign.

26 I would like, my lord, your permission to file
27 this bundle as Exhibit 215.

3 28 MR. JACQUES: I certainly have no objection,
29 but might I ask my learned friend whether he is going to
30 file similar documents for other districts?



1 MR. LANGLOIS: Well, I don't know as yet.

2 MR. JACQUES: I should like to see on those
3 sheets the grade of education that the pilot received,
4 if it is possible.

5 MR. LANGLOIS: Well, the forms have gone out
6 now. They are signed by the pilots.

7 THE CHAIRMAN: The bundle will be Exhibit 215.

8
9 --- EXHIBIT NO. 215: Information re pilots.

10
11 MR. LANGLOIS: That is all, my lord.

12 THE CHAIRMAN: Mr. Bird?

13
14 CROSS-EXAMINATION BY MR. BIRD:

15 Q. Captain Eddy, you were asked by Mr. Jacques
16 regarding the advisability of continuing this sort of
17 gentleman's agreement whereby American coastal vessels
18 came into Canadian pilotage waters, and vice versa, without
19 payment of pilotage dues. Are you aware of the recent
20 movement of large barges, 4,500 tons, I think, which has
21 either started or is being contemplated by Island Tug and
22 Barge to Canadian ports on the Columbia River?

23 A. I believe I saw something about it in the
24 press, saying that it would start. It didn't give much
25 information as to what extent it was.

26 Q. Another company, Vancouver Tug, which is
27 engaged in towing in tandem chip barges, which I am
28 instructed are 3,500 tons each, from Tahsis to Puget
29 Sound ports.

30 A. No.



1 Q. You are not aware of that?

2 A. No.

3 Q. Are you aware of the movement that the
4 Canadian National Railway is now engaged in between
5 Prince Rupert and Alaska?

6 A. That is what we have seen. We have seen
7 the terminal at Prince Rupert.

8 Q. In addition to that we have the ferries,
9 too.

10 A. This was the terminal for the barge
11 traffic to Alaska, C.N.

12 Q. You referred also to the pilots being
13 allowed to accumulate their leave periods. Now, what
14 effect has that had upon the availability of pilots at
15 peak times?

16 A. Well, opinion is divided there. My
17 opinion - we have never run out of pilots - is that the
18 pilots on duty do work harder.

19 Q. So this results in adding to or increasing
20 the work load of the pilots?

21 A. Oh, yes, it is bound to.

22 Q. You haven't calculated the extent, I
23 suppose?

24 A. It is pretty hard. I tried to calculate
25 the work load; at least I was instructed to do it, and I
26 took a trial run with my district supervisor, and he found
27 out that to calculate one pilot's work load took him
28 three hours, therefore to do this work and do it properly
29 would take 180 hours a month, and that is only for three
30 of a staff, and they are working full out now. It was



1 impossible. I reported that back to my Department, and
2 they said, "You have made your point clear. Send the
3 forms back again."

4 Q. Now, we have heard a good deal about this
5 8-hour period and when pilotage is required in excess of
6 8 hours two pilots must go with the ship. What are the
7 limits of that 8-hour period so far as you are concerned?

8 A. I just follow the bylaws in regard to
9 that. It says when a pilot is employed continuously, for
10 a period in excess of 8 hours.

11 Q. In the schedule under the heading "Extended
12 Duty," it states:

13 "Two pilots shall be employed in piloting a
14 vessel when

15 (a) the vessel requires the services of a pilot
16 for a continuous period in excess of eight
17 hours, in certain latitudes, or

18 (b) the Pilotage Authority is of opinion that
19 the circumstances warrant it."

20 In determining that period in excess of 8 hours,
21 where do you start it from? Do you start from the time
22 the pilot takes over his duties to the time he completes
23 his duties?

24 A. I have no way of ascertaining this except
25 from the source card which shows me when the pilot
26 commenced piloting and when he left the ship.

27 Q. And those times are set forth in the
28 source card by the pilot himself?

29 MR. LANGLOIS: And signed by the master, though.

30 THE WITNESS: Oh, yes, and signed by the master.



1 Q. In order to fix the period of actual
2 pilotage duty a little more accurately, if it is not
3 being accurately stated now, would you favour the pilot
4 taking the times from the log book; that is to say, for
5 instance, in the Kitimat area, from the time he took over
6 abeam of McInnes Island to the time of ringing down
7 finished with engines, when alongside the berth at the
8 dock?

9 A. I should imagine the time of taking over
10 at McInnes Island would be the log book time.

11 Q. And what about the end of the period?
12 Have you anything to say?

13 A. I have nothing to say on that. It is the
14 time the pilot left the ship, and I can't check on that.
15 The only thing that I would assume is that the pilot is
16 not going to stay aboard the ship unnecessarily, especially
17 in Kitimat, because immediately he leaves the ship he goes
18 on detention, and the sooner he gets on detention the more
19 money he is going to make.

20 Q. Well, of course, that applies so far as
21 the individual pilot is concerned, but if, on the average,
22 it appeared that the time taken for this passage was about
23 8 hours, or slightly less, then only one pilot would be
24 needed, wouldn't he?

25 A. Yes, when it comes to trying to assess
26 this 8-hour business, it is extremely difficult, because
27 I think in the Aluminum Company's brief you will notice
28 that the majority of the trips were over 8 hours, except
29 in two cases, and then the fastest trip and the slowest
30 trip were made by the one vessel. I am in quite a spot



1 trying to assess this time.

2 Q. I think the average period was $7\frac{1}{2}$ hours,
3 wasn't it?

4 A. No. As far as I remember every example
5 was 8 hours, 40 minutes and I remember a 7 hours, 40
6 minutes and two under 8 hours, as far as I remember.

7 Q. Are you speaking of the outbound trip or
8 the inbound trip?

9 A. No, I am speaking all the voyages quoted
10 by the Aluminum Company. I may be wrong.

11 Q. It will appear in the record?

12 A. Yes, the thing is as regards this 8 hours
13 business, as you notice, it will say for vessels north
14 of 50. I think that the idea was that in the first place
15 north of 50 the weather was so bad up there as a rule
16 that 8 hours was considered sufficient for the pilot to
17 be on the bridge. This was agreed to by the Chamber of
18 Shipping and the pilots before the Order in Council was
19 put out amending the bylaw, and to me it is a very, very
20 difficult thing. I have tried my hardest to dispatch the
21 pilot to obey the bylaws, and not put them over 8 hours
22 in the northern area. In the southern area it is if the
23 Pilotage Authority is of the opinion that circumstances
24 warrant it. We have not been too hard on them. In fact,
25 any ship to Powell River, 125 miles, has invariably
26 carried one pilot, and no matter what happens you have
27 that borderline. If you change it to 7 hours, then the
28 ships would get faster and they would be doing it in 7
29 hours and 10 minutes, or 6 hours and 50 minutes. It is
30 a very hard thing to dispatch to.



1 Q. Just dealing now with the question of
2 casualties, and as I recollect your evidence you stated
3 that unless there were something more than minor damage
4 that the pilot's report was read and filed. Is that
5 pretty well what you said?

6 A. No, no. It is not read or filed. It is
7 forwarded to the Department with a covering letter from
8 me giving the circumstances of the accident, what
9 happened, and then it is forwarded to the Department in
10 Ottawa, who in their own wisdom may take further action
11 if they feel like it. I am not the final say in that,
12 not by a long means, but if it is a minor casualty, or
13 something that appears to be minor, the Department are
14 quite content to get the casualty report with my covering
15 letter and comments, and file it.

16 Q. What factors do you take into consideration
17 in a determination of the question of whether it is minor
18 or not?

19 A. Actually whether there has been sufficient
20 damage to the dock to interfere with the dock, or cause
21 any inconvenience. Then again there are several factors
22 which again we have to consider. One is the type of dock,
23 because in Vancouver - and I have on record, I think the
24 Chamber of Shipping has it, too - we, the Pilots' Committee
25 ourselves, the Chamber of Shipping and the Harbour Autho-
26 rities surveyed the docks. We find that many of the docks
27 now are getting very, very decrepit, and a ship can come
28 in just a little hard and lean against the dock. There is
29 old rotten piles are broken, and then that is a fine
30 excuse to get the dock repaired at the expense of the ship,



1 and what I would call a minor accident suddenly develops
2 into about, well, quite a few thousand dollars, because
3 it is very expensive nowadays even to drive two or three
4 piles.

5 Q. What I was getting at, Captain Eddy, and
6 as you know I have personal knowledge of some of these
7 accidents, and I refer particularly to the Texada Mines
8 Dock on the northern end of Texada Island.

9 A. It is in an open roadstead, and the
10 footings is very insecure. In fact, the last dock
11 disappeared completely one night. The dock, the conveyor,
12 and everything. And the foreman asked me in the morning
13 if one of our freighters had gone in and knocked it down
14 during the night. But the Texada damage apparently
15 amounted up to more than what appeared in the pilot's
16 report, and in this respect I am at a disadvantage,
17 because up to the present I have not had the opportunity,
18 nor the time, to get around my district. I have not the
19 staff. If I could go up and survey an accident like that,
20 I would be in a better position.

21 Q. Have you sought additional information
22 from either the owner of the dock or the persons involved
23 in its repair as to the extent of the damage?

24 A. Any information I get generally comes
25 from somebody like yourself, the lawyer representing the
26 ship, when he comes to me and asks for my report, and
27 anything I can give him to help him in his dealings with
28 the ship.

29 Q. Would it assist you if you received infor-
30 mation as to the extent of damage caused?



1 A. Yes, I would appreciate it. That is in
2 the outlying areas. In Vancouver, I can get down myself.

3 Q. The purpose of these questions, Captain
4 Eddy, is that my instructions are that the Texada Iron
5 Mines Dock within the last year has been substantially
6 damaged on three occasions, resulting in each case in
7 repair costs totalling about \$15,000, so that I wondered
8 whether you had received this information as minor damage
9 from the pilot?

10 A. Well, actually not. The pilot reports
11 the damage, and in most of the cases the ship was not
12 damaged at all. That is the trouble.

13 Q. Have you, in determining whether your
14 pilots are doing a proper job, or whether there is some
15 unknown factor affecting the berthing information, have
16 you sought information as to the ship's side of the story?

17 A. From the pilot?

18 Q. No, from the owners of the ship.

19 A. Well, they haven't volunteered any infor-
20 mation.

21 Q. Have you sought it?

22 A. No, I haven't sought it.

23 Q. My reference is to a number of cases in
24 which the cause of the damage is alleged to have been
25 crew error, tides, wind, unknown.

26 A. We have discussed this problem at Texada
27 since then with representatives of the Texada Company,
28 and the pilots, and I think we had a representative from
29 the shipping companies, to see if we could find a solution
30 to this problem of this open roadstead. Captain Gosse, I



1 think, was there and members of the Committee. We have
2 tried to use the buoys to better advantage to try and
3 avoid touching the dock or coming in contact with the
4 dock. We don't like to touch that dock. It is so frail.

2 5 Q. Well, there may be a difference of opinion
6 on that, too, but I won't test it.

7 A. Well, when I say frail, I should qualify
8 that. We are worried about the security of the footings.
9 Let's put it that way.

10 MR. BIRD: All right, fine.

11 MR. LANGLOIS: Would you allow me a question
12 at this stage, Mr. Bird?

13 MR. BIRD: Certainly.

14 MR. LANGLOIS: Is it not a fact that this
15 berth is considered unsafe, and they provide a tug for
16 assistance in some cases when a ship is alongside?

17 THE WITNESS: The berth is an open roadstead.
18 The footings of the dock, we feel, are not secure enough
19 to break a loaded iron ore ship off if bad weather comes.
20 I mean, my lord, by breaking off, putting a back spring on
21 the dock and using the engines. We are loath to do that
22 because we are very afraid of the footings, and if a
23 westerly comes up, and it can very well come up at any
24 time, it is necessary that that ship gets away from the
25 dock, or otherwise she can push the dock down. So there-
26 fore, we have a tug standing by so that the ship can back
27 away from the dock. It is purely a safety measure for the
28 dock's sake. You must remember the first dock did
29 disappear.

30 MR. BIRD: No, you are not quite right. It



1 didn't disappear from there but from around the corner.

2 Well, I am not taking a stand on that point. I may be
3 cross-examined by Mr. Langlois.

4 Q. Captain Eddy, the next question I wanted
5 to ask you was whether you had been invited, or your
6 pilots had been invited, to express opinions as to the
7 safety of any berths? I am not referring particularly
8 to Texada.

9 A. Yes.

10 Q. You have?

11 A. Yes.

12 Q. Because, as we are all aware, charter
13 parties require that ships be only directed to go to safe
14 berths. Now, are you satisfied, for instance, with the
15 arrangements now in existence at Texada insofar as ber-
16 thing is concerned?

17 A. Provided the tug is there I think things
18 are satisfactory, and the buoys.

19 Q. And if you feel that there should be
20 additional tugs in attendance, do you indicate that to
21 the shipping company concerned?

22 A. We could do if that was necessary, but as
23 far as I know, and I think I am correct in saying this,
24 that one able tug is quite sufficient there.

25 Q. Just on this question of inquiries that
26 are conducted by you into casualties. When you conduct
27 an inquiry yourself do you permit representatives of the
28 shipowner, or charterer, or the master of the vessel
29 concerned, if he is available, to be present?

30 A. My inquiry is probably not an inquiry.



1 It is just a check with the pilot on what he has written
2 on his confidential report to the Department, in order
3 that I may send a covering letter.

4 Q. Yes, but at those inquiries do you permit
5 a representative of the shipowner and the master to be
6 present?

7 A. No, it is purely between the master and
8 myself.

9 MR. LANGLOIS: It is not an inquiry.

10 THE WITNESS: No.

11 THE CHAIRMAN: You don't call any other
12 witness?

13 THE WITNESS: Actually, my lord, it is not an
14 inquiry. I am trying to impress that. It is just that I
15 can question the pilot on his report, in order that I can
16 put in a covering letter to the Department, and then the
17 Department, in their wisdom, can direct a preliminary
18 inquiry.

19 THE CHAIRMAN: But I gather you are not
20 calling any other witnesses, other than the pilot at this
21 time?

22 THE WITNESS: No, although I will go down and
23 ask the master sometimes if there are points I am not
24 clear on.

25 MR. JACQUES: So your investigation may have
26 two purposes; the first one to keep the Department aware
27 of what goes on?

28 THE WITNESS: That is the primary purpose.

29 MR. JACQUES: And the second one to apply your
30 own disciplinary measures against the pilot within your



1 terms of reference contained in the Bylaw; is that it?

2 THE WITNESS: That is right.

3 Q. If any disciplinary measures are taken
4 by you, are they publicized?

5 A. The disciplinary measures in regard to a
6 casualty have never been applied by me. They have always
7 been applied from Ottawa in regard to a casualty.

8 Q. If they are applied, are you instructed
9 to inform the shipowner who is immediately concerned?

10 A. Yes, that has been done.

11 Q. Now, the next stage of these inquiries,
12 I presume you are referring to their preliminary inquiry
13 conducted by the Department of Transport representative?

14 A. Yes, that is the preliminary.

15 Q. Have you any knowledge as to whether the
16 shipowner or his representatives are entitled to be
17 present at that inquiry?

18 A. Oh, yes, counsel or the representatives
19 are entitled to be there.

20 MR. LANGLOIS: And is it not a fact even to
21 ask questions through the inquiring officer?

22 THE WITNESS: Yes, he may ask questions, not
23 directly, but through the inquiring officer.

24 MR. JACQUES: Would you look through Exhibit
25 214, being work sheets prepared by various pilots, please?
26 My question is, can we tell by looking at one sheet
27 whether there was one or two pilots on board any of the
28 ships listed on the sheet?

29 THE WITNESS: No, unless you knew the run.

30 MR. JACQUES: I have noticed that most of these



1 sheets are for a one-month period, and at the bottom of
2 the sheet you will see a mention of days worked, 23, and
3 I have glanced through many of them, and notice that it
4 ranges between 21 and 26 days, but most of them are for
5 23 days. Would you explain that, please?

6 THE WITNESS: This would be for last year,
7 when they had their seven days monthly leave, which
8 would leave them 23 days. By this I would assume they
9 have worked the full 23 days they were on duty.

10 MR. JACQUES: Have we any means of checking
11 the information which is given in those sheets?

12 THE WITNESS: The only way you can check, you
13 can check the time on board vessel, and the time piloting,
14 by the source cards in Ottawa. They are coded, and I
15 think they can be put through the machine and that infor-
16 mation obtained quite easily.

17 MR. JACQUES: To the best of your recollection
18 would the month of June, 1960, have been a very busy
19 month?

20 THE WITNESS: I can't remember right now.

21 MR. JACQUES: Perhaps if we went through 1963
22 that might be better. Would the month of February, 1963,
23 be a very busy month?

24 THE WITNESS: That was an extremely busy month.

25 MR. JACQUES: And the month of January, 1963,
26 was that a very busy month?

27 THE WITNESS: That would be moderately busy.

28 MR. JACQUES: Do the pilots still take 8 days
29 off a month, or 7 days, or whatever it was?

30 THE WITNESS: Six.



1 MR. JACQUES: Six now. Six days off a month.

2 And since the month of January inclusive you have had
3 44 pilots working?

4 THE WITNESS: Actually working that is.

5 MR. JACQUES: And I see that the days on call
6 for the month of January it is still 23. How would you
7 explain that?

8 THE WITNESS: I don't know. He has probably
9 put himself on an extra ---

10 MR. JACQUES: What is that, sir?

11 THE WITNESS: His monthly leave is only 6 days,
12 that man.

13 MR. JACQUES: Getting back to the preliminary
14 inquiry, Captain Eddy, can you tell me whether representa-
15 tives from both sides are entitled to be present while
16 one party to the matter is being examined by the Examiner,
17 if you know?

18 THE WITNESS: I have never sat on a preliminary
19 inquiry.

20 MR. LANGLOIS: Do you mean a collision?

21 MR. JACQUES: Anything?

22 THE WITNESS: But at the "Granville" inquiry,
23 conducted by our Casualty Investigation Officer from
24 Ottawa, I was there with him when he questioned the crew
25 of the "Granville" in the master's cabin, and both the
26 legal representative of the master and the ship was there,
27 and also their own consul, the Norwegian Consul.

28 MR. JACQUES: I should like you to file as
29 Exhibit No. 216 a form entitled "Physician's Certificate
30 of Disability for Duty," and by the way, it is bilingual.



--- EXHIBIT NO. 216: Form entitled "Physician's Certificate of Disability for Duty."

MR. JACQUES: Would you tell the Commission what is the purpose of this form?

THE WITNESS: According to the Bylaw, after 6 days of sickness a pilot has to produce this physician's certificate of disability for duty, and once upon a time we had a special form, similar to this, but after the austerity program they said that the civil service form was the same type of form, and to avoid duplication we would use this form. In every case, as soon as the pilot goes sick, we take his name from the roster, put him on our follow-up card file, and after six days, if he is still sick, his doctor is requested to fill that form out and send it in to us, and we send it in to the Department in Ottawa. We do it in duplicate and keep a copy on his own file.

MR. JACQUES: Do you do any work for the pilots as regards their casualty insurance?

THE WITNESS: We pay the premium.

MR. JACQUES: Are you called upon to file, and do you prepare any report for the insurance company?

THE WITNESS: Yes, they ask for a medical report, and we generally just get it for them.

THE CHAIRMAN: No further questions? Thank you very much, Captain.

THE WITNESS: Thank you, sir.

(The witness withdraws)

MR. JACQUES: Whilst Mr. Middleton is taking



1 the stand I should like to file Bylaw A-1 of National
2 Harbours Board, applicable to Halifax, Saint John,
3 Chicoutimi, Three Rivers and Quebec, and also Bylaw,
4 Vancouver B-1, being the tariff of harbour dues for the
5 Harbour of Vancouver.

6
7 --- EXHIBIT NO. 217: Bylaw A-1 and Bylaw Vancouver B-1.

8
9 KEITH MIDDLETON, sworn

10 CROSS-EXAMINATION BY MR. JACQUES:

11 Q. Mr. Middleton, I shall be very brief in
12 my cross-examination on the fairly lengthy examinations
13 to which you have been subjected, and my cross-examination
14 will be limited to two points.

15 In your opinion, as representative of the
16 shipowners, is the present rate structure adequate? Does
17 it bear a true relation to the work done by the pilot?

18 A. In my opinion I would say yes to that
19 question, basically. We have some complaints, of course,
20 but I think basically I would say the rate structure is
21 relative to the work done, based on other pilot districts
22 in other areas.

23 Q. From the point of view of shipowners it
24 would be adequate and satisfactory?

25 A. No, I said with modifications. We are
26 very unhappy with the northern situation, for instance.

27 Q. Yes. What modification would you suggest?

28 A. Well, we have got to find a means of
29 reducing the cost of pilotage on those northern runs,
30 otherwise we are going to jeopardize the communities and



1 the industries in the northern part of our province.

2 Q. And would that be the only modification
3 which you suggest to the rates?

4 A. We are not too happy, for instance, with
5 some of the other situations, like the detention time.
6 This is a little difficult to understand, sometimes,
7 because the pilots know as well as we do the difficulties
8 in scheduling a vessel. It is a very complicated business,
9 and if you find that you have one hour's leeway in some
10 places, or three hours leeway in other places up in the
11 north, it is not sufficient. That is all there is to it.
12 A vessel coming in from sea, and you don't know what is
13 going to happen when working cargo. I defy anybody to
14 tell me how long the longshoremen are going to take
15 putting the cargo aboard. But we are tied down to one
16 hour.

17 Q. But surely the shipowners would consider
18 it only fair to pay a man for his standby time, would
19 they not?

20 A. Well, we have tried to compromise this
21 with the pilots, and the time element has consistently,
22 or the delay, or the detention time, has consistently
23 come down, but it is still very, very bothersome on the
24 northern runs.

BL/dpw 25 Q. Now, you recall when the rate structure
26 was changed a few years ago?

27 A. Yes, sir.

28 Q. And was revamped completely. Would it
29 be fair to say that some ships derived benefit from this
30 change and others actually lost; that is, some ships paid



1 less pilotage dues and others would have seen their dues
2 come up?

3 A. That undoubtedly happened to some extent,
4 although it wasn't the intention at the time. At the
5 time we made the change the basic purpose was to endeavour
6 to get some uniformity into the charges, and the only way
7 that could be done was to take the total assessments
8 against the vessels for a particular period on the old
9 system and then to work out a new system which would give
10 you the same total so that the distribution to pilots
11 would remain the same.

12 Now, in the process of this there were some
13 ups and downs, as you have suggested; one may have paid
14 slightly more, another slightly less. But as far as the
15 Chamber are concerned, we were prepared to face that for
16 the added advantage of getting this uniformity which had
17 plagued us for years.

18 Q. Now, sir, does the Chamber of Shipping
19 consider pilotage of British Columbia waters as merely
20 an aid to navigation, merely something that is provided
21 for the convenience of shipping, or as a necessity to
22 maintain safety of navigation within the waters?

23 A. I would say in answer to that question
24 that, first of all, we got along a good many years without
25 any pilotage; it was left to the discretion of the company
26 and the master whether they wanted pilots.

27 Q. How long ago was that?

28 A. This is going back to my first experience
29 of the British Columbia coast, in the 1920's.

30 Q. When was that golden age over?



1 A. I don't know that my memory is that good,
2 but it seems to me that it was in the early 30's when this
3 compulsory pilotage first came up. It was modified in
4 1937 or 1938 when we got this compulsory payment of dues,
5 but I know in my earliest experience on the coast there
6 was no compulsory pilotage, although we in our company
7 employed pilots.

8 Q. Would the Chamber of Shipping be in favour
9 of modifying the exemption system which is in existence
10 now?

11 A. Well, there are my personal views in this
12 and also the organization I represent.

13 Q. Well, you may let us have both.

14 A. I don't believe that, insofar as I am
15 personally concerned, I have any objection to the present
16 system, with the modifications which were suggested in
17 our brief, namely, when you have an extenuating situation
18 somewhere, such as the Japanese ship that goes into Jedway.
19 I think that is an extenuating situation.

20 Q. The master of that ship would not have to
21 go the whole coast, he would be granted an exemption to go
22 there?

23 A. Exactly. And I think that master has
24 been on that trip five times, as many as our pilots have.

25 Q. Would the Chamber view favourably a
26 revision of the rate in order that a special rate be
27 established for such jobs as the "Argyll," very difficult
28 jobs?

29 A. Well, I don't think that is necessary,
30 because in the way we now have the system set up, with the



1 draught and tonnage and mileage run the pilots definitely
2 pick up added revenue because of the size of the ship
3 which in turn creates difficulty.

4 Q. You are no doubt aware that when a pilot
5 boards a ship usually he takes full charge of the naviga-
6 tion of the ship; he doesn't merely advise the master, he
7 goes on the bridge and gives courses and engine orders?

8 A. I would say that, generally speaking,
9 that is true, although not always true. I have known of
10 ships on which the master insisted on giving his own
11 orders.

12 Q. Would you say that is frequently done?

13 A. No, I don't think so, but, I say, I know
14 it has been done. Generally speaking, what you said at
15 the beginning is true.

16 Q. Are you able to say whether masters and
17 shipowners are satisfied with this arrangement?

18 A. I think, generally speaking, owners and
19 masters are quite happy with the present procedures.

20 Q. How do you view pilots? Do you view them
21 as private contractors, employees or servants of the ship-
22 owners or employees of the Pilotage Authority?

23 A. Well, I think we would rather view them
24 as employees of the Pilotage Authority. They certainly
25 don't fulfil the requirements of a professional man as
26 we know it, speaking of lawyers or architects or what-
27 have-you in that respect.

28 Q. Now, if you view them as employees of the
29 Pilotage Authority, would shipowners give any thought or
30 not to hold the pilot responsible for any damage done



1 during the course of his employment?

2 A. Well, I am certain that the owners would
3 like to at times put this responsibility onto the pilots.
4 There is no question about it. And if the owners did it,
5 the insurance companies who are behind the owners would.
6 If they were not exempted by law, I am sure there would
7 be plenty of suits going on now.

8 Q. Yes, but with reference to the Pilotage
9 Authority, not the pilots.

10 A. This is a moot point. Pilotage Authori-
11 ties do exempt their pilots from liability. The one
12 outstanding example on the other side is the Panama Canal,
13 which accepts liability for anything that happens to a
14 ship transiting the Panama Canal; that is the Pilotage
15 Authority accepts full responsibility.

16 Q. Do you feel you have adequate representa-
17 tion on the Board of Examiners?

18 A. We are very happy with what goes on in
19 this area here, yes. Captain Eddy certainly goes out of
20 his way to work with us on any matter of that sort.

21 Q. Do you feel that the shipowners should be
22 represented on any disciplinary matters only when ship
23 handling comes up with the Local Superintendent, as
24 opposed to inquiries made by the Department of Transport?

25 A. I think we should be represented. After
26 all, we are paying their wages, and under the system in
27 vogue here, with the Superintendent of Pilots permitting
28 us to have something to say on the examinations, it
29 should follow we should go the rest of the way.

30 Q. Do you feel that pilotage matters could be



1 best handled by these following bodies: N.H.B., D.O.T.
2 or a separate pilotage board?

3 A. We have recommended in our brief that
4 there be a separate pilotage board; I think we said
5 comparable to that of the National Harbour Boards.

6 Q. Would you satisfied if these matters were
7 handled by the National Harbour Board?

8 A. No, it is not their function. That was
9 merely an example. No, in our brief we intimated there
10 should be a commission, three commissioners, regionally
11 appointed, and presumably, to follow through all of the
12 functions now being performed by the D.O.T. would automa-
13 tically go to this commission and this commission would
14 in turn take over the duties of the D.O.T. We didn't go
15 into this in detail.

16 Q. As regards preliminary inquiries into
17 shipping casualties, do you feel that such inquiries
18 should be open - I would not say to the public in general -
19 open to all parties involved at the same time? For
20 instance, with a collision between two vessels, do you
21 feel that the inquiry should be held when both pilots are
22 present, when both masters are present and when both
23 parties are represented by counsel if they so wish?

24 A. That is what I would advocate, yes, sir.

25 Q. Now, sir, one last question.

26 You have heard the evidence given by Captain
27 Eddy this morning with regard to various gentlemen's
28 agreements which exist on exemptions. Do you feel that
29 these exemptions should be continued?

30 A. I think we would just wind up in a chaotic



1 state if we were to do anything else, because, generally
2 speaking, the pilotage fees, be they for the State of
3 Washington or British Columbia, the one fee would be the
4 master's wages for several days and this would make a
5 ferry operation or a small freight operation or even a
6 tow operation impossible. There just isn't that margin
7 of profit in these businesses.

8 Q. So the problem seems to be an economic
9 one?

10 A. Basically economic, yes. I think that
11 would be the basic answer.

12 Q. Have you personal knowledge of the nego-
13 tiations which culminated in this gentleman's agreement?

14 A. Well, I am a little hazy on part of it,
15 because in those years I was stationed in Seattle with
16 Dodwell and Company who, in turn, were operating both
17 deep sea and coastal shipping. I was personally looking
18 after the coastal shipping, although I had some knowledge
19 of what went on in the deep sea shipping. Seattle was
20 the head office, so I heard of these things. The compul-
21 sory pilotage in the State of Washington went into effect
22 in the early 30's, and as manager of the company's coastal
23 vessels, I appeared before the State of Washington legis-
24 lature to ask for the exemptions on that side of the line,
25 because we had both Canadian coastal vessels and American
26 coastal vessels in our fleet. Besides, there was no one
27 else down there to speak on behalf of the Canadian
28 industries, which I tried to do; the principal one in
29 those days being the Canadian Pacific who had very exten-
30 sive services from Vancouver to Puget Sound, all the



1 competitive freight business and tow boat business. The
2 State of Washington legislature finally exempted these
3 vessels, and I think you will find this in their pilotage
4 bylaws now, although I haven't read them for a long time.

5 Q. You realize, of course, there appears to
6 be no legal basis for those exemptions?

7 A. Well, that exemption is legal down there
8 because it is in their bylaws, but I don't know about any
9 legal exemption on the B.C. side.

10 Q. Do you feel there should be this leeway
11 for all parties to make gentleman's agreements depending
12 on local conditions?

13 A. Well, I think it would be most helpful
14 here. I think we would have had a chaotic state here
15 otherwise. Well, the principal operator is the Alaska
16 Steamship Company out of Seattle. They traverse the
17 inside passage which goes through British Columbia waters
18 without carrying pilots. At the present time those ships
19 are manned under the manning certificates of the United
20 States coastguard, which require, in addition to the
21 watch officer, there be a pilot on board; not a Canadian
22 pilot but a man with a pilot's certificate from the coast-
23 guard. In other words, when the ship is traversing in
24 these waters, it must have two men on the bridge, namely,
25 a watch officer and a pilot.

26 Q. Today, can you tell us whether these
27 exemptions benefit more to foreign ships than to Canadian
28 ships?

29 A. Well, this was done basically for American
30 ships; other foreign flags are not involved in this to any



1 great extent. There are a couple of Norweigan ships
2 operating regularly on the coast, newsprint and pulp to
3 California, which has already been gone over.

4 Q. Let's take American ships. Do they
5 benefit more from this gentleman's agreement than we do?

6 A. As of the moment, I would suspect that
7 they are, because there are a tremendous number of barges
8 traversing the inside passage to Alaska. But at the time
9 this was done there were far more Canadian vessels going
10 down there.

11 Q. Now, sir, you have already heard mentioned
12 a scow which came into Vancouver; apparently a fair-sized
13 scow. Do you think such scows should be exempted from
14 pilotage?

15 A. I should think they would be, because
16 there are just as large scows as those going into Puget
17 Sound and they are exempted down there. And I also know
18 of this lime rock operation; they are hauling lime rock.

19 Q. Is it Canadian?

20 A. With a Canadian tug and barge. That is,
21 a Canadian tug takes this into Astoria across the bar and
22 they employ this American barge to take it up the river
23 because, I understand, they want the benefit of the
24 American towboat skipper's knowledge of the Columbia River.

25 MR. JACQUES: Thank you.

26 MR. BIRD: Just a few questions, my lord.

27
28 RE-DIRECT EXAMINATION BY MR. BIRD:

29 Q. I show you a letter addressed to myself
30 from Messrs. C. Gardner Johnson, Limited, signed by what



1 appears to be Mr. D.C. Brodie. Do you recognize his
2 signature?

3 A. I have seen it before, yes.

4 MR. BIRD: This, my lord, contains the answers
5 to both questions asked by Mr. Langlois. I had better
6 read it. It relates to the "Harriet Maru."

7 "Dear Mr. Bird: During examination of Mr. D.C.
8 Brodie in connection with O.S.K. vessel 'Harriet
9 Maru,' counsel for B.C. pilots requested some
10 further information. We are now in a position
11 to reply, the information having been obtained
12 from the master of the vessel on recent call
13 at Harriet Harbour.

14 "Q. Does the master take a pilot at Wakayama,
15 Japan, the regular destination of his cargo?

16 A. No.

17 Q. Does the master receive extra compensation,
18 in consideration of a saving of costs to the
19 vessel by not taking a B.C. pilot?

20 A. No.

21 "The master mentions ---"

22 MR. LANGLOIS: Does that mean there was no
23 saving in cost?

24 MR. BIRD: I can't tell. I will let the letter
25 speak for itself.

26 "The master mentions that in not taking a B.C.
27 pilot his most important consideration is that
28 previous experience in the handling of his
29 ship at Harriet Harbour is the most important
30 factor involved, owing to the unusual conditions



1 encountered there. The ship has loaded five
2 times at Harriet Harbour, four with a pilot
3 and once without. The pilot has never been
4 the same, and the master feels that he now
5 has the advantage in experience.

6 "Will you kindly make this information available
7 to the Commission.

8 "Yours very truly, C.Gardner Johnson Limited.

9 (Sgd.) D.C. Brodie."

10 May I have that filed?

11
12 --- EXHIBIT NO. 218: Letter addressed to Mr. Bird from
13 C. Gardner Johnson Limited.

14 MR. BIRD: Now, I should add, my lord, that
15 Mr. Langlois also asked me to obtain the answer to
16 another question, namely, what was the nature of the
17 telegram or message sent to the master by the owners
18 requesting his view as to whether a pilot were necessary
19 or whether he wanted a pilot, and I will obtain that
20 message and forward it to Mr. Jacques and a copy to Mr.
21 Langlois.

22 MR. JACQUES: May we give it a number now for
23 identification?

24 THE SECRETARY: 219.

25 MR. BIRD: The description will be the Japanese
26 owners' message to "Harriet Maru" master regarding use of
27 British Columbia pilots.
28

29 --- EXHIBIT NO. 219: Japanese owners' message to "Harriet
30 Maru" master regarding use of
British Columbia pilots. (To be filed)



1 RE-CROSS-EXAMINATION BY MR. LANGLOIS:

2 Q. Mr. Middleton, in regard to this letter
3 which you have just filed, do you know if the "Harriet
4 Maru" had to wait outside of Prince Rupert in order to
5 come in in daylight?

6 A. I wouldn't know the answer to that one.
7 I have no knowledge of the operation of that company.

8 Q. It would be very important information to
9 obtain.

10 MR. BIRD: Does Mr. Langlois wish me to obtain
11 it?

12 MR. LANGLOIS: If you can. I have this infor-
13 mation. She came in at daylight. There would be a saving
14 in pilotage.

15 COMMISSIONER RENWICK: Would that ship not have
16 to wait until the opening of customs, immigration, or are
17 they open all the time there?

18 MR. LANGLOIS: They should be cleared at any
19 time of the day or night.

20 THE WITNESS: In Vancouver the customs will not
21 board before 7 o'clock in the morning, nor the immigration.

22 MR. JACQUES: We will endeavour to answer that
23 question, sir.

24 THE CHAIRMAN: As far as Vancouver is concerned?

25 MR. JACQUES: Yes, sir.

26 Q. Mr. Middleton, you mentioned some indus-
27 tries in the northern district which might be jeopardized
28 by the cost of pilotage. Do you mean by that that their
29 future is presently threatened by the cost of pilotage?

30 A. All of these things added together could



1 do just that. Now, I didn't say pilotage alone, but it
2 is a contributing factor.

3 Q. Not pilotage alone?

4 A. No. But pilotage is a very large factor
5 in some operations, more so in some operations than in
6 others.

7 Q. Among these industries which you say are
8 jeopardized, would you include the Crown Zellerbach
9 Company, with a reported net income of ten million dollars
10 in the last quarter of 1962?

11 A. I am not aware of Crown Zellerbach's
12 financial statement, but presumably you are talking
13 about Crown Zellerbach as a whole. Crown Zellerbach must
14 have many operations, and I am sure some of their opera-
15 tions are rather marginal, although the overall is very
16 good.

17 Q. I am talking about this report of the
18 President of the Crown Zellerbach corporation where it is
19 stated that the four quarters of 1962 indicated a net
20 income of \$10,088,000.

21 MR. JACQUES: I don't think that is fair. I
22 think that Crown Zellerbach should be here to answer.

23 THE CHAIRMAN: Yes; and, as Mr. Middleton
24 stated, those figures don't indicate what is the situation
25 here. In any event, I think it would be outside of our
26 terms of reference to get into that subject, investigating
27 the world of business.

28 MR. LANGLOIS: Yes, but this is evidence put
29 into the record by the other side, and they make a state-
30 ment that their industries are threatened by the cost of



1 pilotage and we are not allowed to cross-examine on it.

2 THE CHAIRMAN: In any event, you are certainly
3 expressing something, that they are making money out of
4 their overall operation, and it is up to them to upset
5 that.

6 Q. Would you include in these companies
7 whose future is threatened Aluminum Limited and Alcan?

8 MR. BIRD: Oh, I object to this, my lord.
9 Your lordship has ruled upon it.

10 MR. LANGLOIS: My lord, the witness has stated
11 that some of the industries in the north, northern
12 section of that district were threatened, and I want him
13 to tell this Commission if he includes certain companies
14 which employ the pilots.

15 THE CHAIRMAN: Question allowed.

16 THE WITNESS: Would you like me to answer, my
17 lord?

18 THE CHAIRMAN: Yes.

19 THE WITNESS: I very seriously doubt if the
20 Aluminum Company itself is threatened by reason of pilotage,
21 but what I said before still holds. There are marginal
22 industries on this coast. Surely you must have read
23 yourself about all the iron mines on this coast; some of
24 them had to be re-organized, and some of them are obviously
25 pretty marginal operations, judging by the newspaper
26 reports and the financial statements which have been
27 published.

28 Q. I understand that your statement also
29 referred to those industries in the northern sector?

30 A. We call North Vancouver Island the northern



sector.

Q. North of 50 degrees latitude?

A. That is right.

MR. JACQUES: I had hoped that we could finish the hearing not on a cross-examination, but I see that we have failed. I have no further witnesses to bring.

MR. LANGLOIS: I have one.

THE CHAIRMAN: Thank you, Mr. Middleton.

(The witness withdraws)

HERBER GEORGE COLES, sworn

DIRECT EXAMINATION BY MR. LANGLOIS:

Q. Captain Coles, will you state your experience and your present occupation?

A. B.C. pilot.

Q. How long have you been a pilot?

A. Seventeen years, November.

Q. Have you been called upon to work in co-operation with the Superintendent of Pilots here in Vancouver in connection with docking sites at Harriet Harbour?

A. Yes, I have.

Q. When was that?

A. 1959.

Q. I have here a report on work done by pilots regarding docking sites at Harriet Harbour. Would you read this report, and tell the Commission if this represents all the work that you have done in connection with these docking sites?

A. Yes, I think that is correct.



1 Q. This report was prepared by yourself?

2 A. Yes.

3
4 --- EXHIBIT NO. 220: Report of work done by pilots
5 regarding docking sites at Harriet
6 Harbour.

7 Q. Do you have anything to add to this
8 report?

9 A. No.

10 Q. Have you got anything to add to this
11 report regarding the work that you have done there?

12 A. Well, there are certain suggestions that
13 I made while I was up there on the first trip on the
14 "Harriet Maru," advising them to put in more moorings and
15 extra buoys. That is not mentioned there on the report.

16 Q. Would you mind repeating what you said?

17 A. The first trip I made on the "Harriet
18 Maru" I advised them to put in more lines, moorings, and
19 extra buoys.

20 Q. When was that?

21 A. That would be October, 1962.

22 Q. How many trips have you made to Harriet
23 Harbour?

24 A. I flew up there two trips, and then I
25 took the "Harriet Maru" in the first trip.

26 Q. You took the "Harriet Maru" on the first
27 trip?

28 A. Yes.

29 Q. Have you had occasion of taking her
30 again after that?



1 A. No, that is the only time.

2 Q. Do you think that the port or harbour of
3 Harriet Harbour is a safe port? Do you consider it a
4 safe port?

5 A. Well, that is pretty hard to tell. I
6 mean, they get very strong winds there, and as long as
7 the moorings holds, but there is lots of times that the
8 ship won't be able to go in and dock because the wind will
9 be too strong at the dock there, and it could turn out
10 he may have to leave the dock at certain times.

11 Q. A ship might be called upon then, and
12 forced to leave the dock on account of stress of weather?

13 A. Oh, yes, he might have to.

14 Q. What was your experience up there?

15 A. In the Queen Charlottes?

16 Q. Yes.

17 A. Well, I was with the Canadian National
18 21 years and the Union Steamship five years and during the
19 21 years with the Canadian National, oh, I might average
20 four or five months a year that I would be going in there
21 once a week. We had a schedule. We used to go Vancouver
22 to Prince Rupert, via Queen Charlotte Islands, and calling
23 in all the ports northbound, and we would do the same
24 trip southbound. So it was one trip each week for four
25 or five months for 18 or 19 years.

26 Q. Would you tell the Commission what was
27 your experience when you took the "Harriet Maru" to
28 Harriet Harbour?

29 A. Well, we were there that first trip for
30 about five days. The first two days we were there it was



1 Just calm. There was no wind at all. Tuesday, Wednesday,
2 then on Thursday it started to blow quite strong, and
3 Friday, I think that is correct, on Friday it was really
4 blowing strong, and Friday night the wind was blowing so
5 strong, I was staying ashore and I decided I would go on
6 board the ship. I went on board the ship at 8.30 Friday
7 night, and stayed on board until 9.30 in the morning, and
8 we had gusts of wind up to 85 knots, which would be over
9 90 miles an hour, and if it hadn't been that we had the
10 assistance of a tug there, the ship would have broken
11 away from the wharf, because the moorings was not suffi-
12 cient at that particular time, and we had all the moorings
13 that the ship had on board at that time. That was her
14 first trip, and they only had, I think it was four manila
15 lines, or nylon lines forward, and the same aft, with the
16 exception of they have a big wire there, which is on a
17 friction winch, and if it hadn't been that we were using
18 the tug all night going full speed on the bow of the ship
19 to keep her alongside, and that was the only thing that
20 saved us, really, from breaking away from the wharf. That
21 was the first trip.

22 Q. Do you know if the master of the "Harriet
23 Maru" is the same master who was on board when you made
24 that first trip to Harriet Harbour?

25 A. I believe so. I am not quite sure, but I
26 believe so.

27 Q. Is it to your knowledge that the present
28 master of the "Harriet Maru" is about to retire?

29 A. Well, I hardly think so, because he is a
30 young person, if my recollections are right.



1 Q. If he is the same man as then?

2 A. Yes.

3

4 CROSS-EXAMINATION BY MR. JACQUES:

5 Q. How many times have you been in Harriet
6 Harbour?

7 A. Well, it is too many to remember.

8 THE CHAIRMAN: Since when?

9 MR. JACQUES: His whole life.

10 THE WITNESS: Well, I started going there the
11 first time about 1920, and I was going there for about
12 four or five months for about 20 years.

13 Q. So you are quite familiar with it?

14 A. Oh, yes.

15 Q. Is this the reason why you were requested
16 to advise on harbour installations in Harriet Harbour?

17 A. Yes.

18 Q. What sort of advice did you give?

19 A. Well, I would like to say, but you are
20 blowing your own horn if you do.

21 Q. Well, go ahead.

22 MR. BIRD: Nobody else will do it for you,
23 Captain, so take your opportunity.

24 THE WITNESS: Well, I really advised the
25 mining company where to put the wharf, because they really
26 didn't have anybody with sufficient experience to give
27 them that information.

28 Q. Did you put the wharf in such a way as to
29 make it very, very difficult for everybody to go there?

30 A. No, up there it is not going in, but the



1 idea was to place the wharf to be in a safe place for the
2 wind. That is the main thing up there.

3 Q. The main problem?

4 A. The main problem is the wind, and when I
5 decided where the wharf should be - first when they came
6 to us, I can show you a chart if it is going to be any
7 information, and it was only of local knowledge that you
8 could ---

9 MR. JACQUES: No, I believe you.

10 MR. LANGLOIS: All right. Let him finish.

11 MR. JACQUES: You can re-examine.

12 MR. LANGLOIS: Let him finish his answer,
13 please.

14 MR. JACQUES: If you please.

15 Q. I am not particularly interested in that.
16 I just want to find out - you said that you placed the
17 wharf in order to give a ship as safe a berth as possible?

18 A. That is right, yes.

2 19 Q. And from what we gather you have succeeded
20 in doing so?

21 A. I believe so.

22 Q. And you quoted also the first trip which
23 you made there with the "Harriet Maru"?

24 A. Yes.

25 Q. Where it blew very hard?

26 A. Yes.

27 Q. Was the ship blowing off the dock or on
28 the dock?

29 A. The wind - when I made the trip up there
30 I told them how I considered the wind would be blowing,



1 and how they should place the dock, and it turned out
2 correctly.

3 Q. That you were right?

4 A. Yes. First when they started talking
5 about putting a wharf in there they were going to put it
6 in another inlet away from there, which would have cost
7 a considerable lot more money, because they would have
8 had to take it sort of across a ravine, up a mountain,
9 and over to the other inlet, and the idea of getting me
10 to go up in 1959 - it decided, where the wharf was built,
11 where they would build the mill. That was the first
12 thing they had to know, was where the wharf was going to
13 be, because the mill had to be built according to where
14 the wharf was located.

15 Q. Yes, to be sure, but going into Harriet
16 Harbour, what are the major navigational difficulties,
17 wind excepted?

18 A. Well, there is no difficulties going into
19 Harriet Harbour; only just the reef outside, and it is
20 only just a short distance in. It is only about three
21 miles.

22 Q. What did you do when the wind sprang up
23 and blew up to 85 knots, I believe you said?

24 A. Yes, that is right.

25 Q. During that trip. What did you do?

26 A. I was staying ashore, and I went on board
27 the ship, and the captain and myself and the officers,
28 we were on the bridge from 8.30 at night till 9.30 in the
29 morning. We were just standing by.

30 Q. And what did you do on the bridge?



1 A. Well, we didn't do anything. We were
2 just standing by in case the ship should break away and
3 we were there. There was nothing we could do.

4 Q. The engines were placed on standby?

5 A. Yes.

6 Q. And the crew were mustered fore and aft?

7 A. No, it was blowing so strong they
8 couldn't stand on deck. They were all inside.

9 Q. And everybody was standing by?

10 A. Yes.

11
12 RE-DIRECT EXAMINATION BY MR. LANGLOIS:

13 Q. You stated you were ashore. Were you
14 called back to the ship?

15 A. No, but I decided I should be on board
16 because the wind was so strong.

17 Q. What would have happened if the lines
18 had broken?

19 A. Well, I talked it over with the captain.
20 We discussed it, and I said that if the lines should
21 break there were only two things we could do. Run her
22 ashore head on, or if we had time we could flood the tanks
23 and let her sit on the bottom.

24 Q. When you were being cross-examined by my
25 learned friend, Mr. Jacques, you were about to say some-
26 thing about local knowledge?

27 A. Yes, that is right.

28 Q. Would you now tell the Commission what you
29 had in mind? Use your chart if you want to. My lord, the
30 witness is using Chart No. 3844. I think it has been



1 filed.

2 A. Well, as you can see, you see there is
3 no soundings or anything there. You had to just go on
4 local knowledge, what you knew about the place, and they
5 were really figuring on putting the wharf in Huston
6 Inlet. You see, there is no soundings on this chart at
7 all. It is only the local knowledge that you have of
8 this place that you had to decide. The mine is located
9 over here. It is somewhere up in the mountain there.

10 THE CHAIRMAN: Would you put a mark X there?

11 Q. Put X where the mine is.

12 A. This is approximate. I would say about
13 there, and I decided that that really was not the place
14 for it, because there were too many dangers going in
15 there, because we didn't have the soundings, and from my
16 local knowledge I felt that it was not a suitable place
17 for a ship to go in, so I said it couldn't go there. I
18 have a larger chart now that we got since, but that is
19 the only chart that I had to go on at first.

20 THE CHAIRMAN: We have not got the exhibit
21 here. The chart you are using is not the one we have as
22 an exhibit, so would you describe in a few words where you
23 put the X?

24 THE WITNESS: That is approximately the site
25 of the mine there.

26 Q. Would you describe where you made this
27 cross there, how far from, for example, Harriet Harbour
28 is the mine?

29 A. Well, the wharf is in here now. This is
30 where the wharf is. This little cross there is Harriet



1 Island, this little thing here. I just showed you that
2 chart as an example of what we had to what we have got
3 now.

4 THE CHAIRMAN: I see that on the chart you
5 just put your X under the word Ikeda?

6 THE WITNESS: Yes. After Captain Eddy wrote
7 to the Department and asked they had ships sounding up
8 there, if they could just give us their chart. Well,
9 this is what we call sort of a work plan. This is their
10 first chart that they have when they take soundings. Now,
11 this mine on this chart is somewhere up here, around the
12 1100 feet elevation. This is where they were figuring on
13 putting the wharf in the first place. It meant they had
14 to come down here, cross a ravine, and then up again,
15 which would have been quite expensive to put the track
16 over there, and also running the ore over here. Then
17 they thought they might place the wharf here. Well, I
18 told them that was impossible, because it was on a lee
19 shore. The wind would come down the valley here and you
20 had the ship over on a lee shore.

21 Q. This is the west side of Harriet Harbour
22 Bay?

23 A. Yes. So the first trip I made up there
24 they asked if it wouldn't be possible to put the wharf
25 here.

26 Q. Showing the east side of Harriet Harbour
27 Bay.

28 A. And I said no, it would not be suitable
29 owing to the direction of the wind, because I said, "If you
30 put the wharf there the wind is just going to hit the ship



1 broadside," and I said, "This is the place for the wharf
2 right here," and it was on my recommendation that the
3 wharf was placed there and that is where it is now, and
4 the reason was that you wanted to get the right location
5 for the mill. They bring the ore down from the mountain
6 to this mill site.

7 THE CHAIRMAN: So the mill is on the mountain
8 just on the east of the harbour, of the pier?

9 THE WITNESS: Yes.

10 Q. Roughly about half-a-mile?

11 A. And before the "Harriet Maru" came in
12 there was no chart out, so I went to Victoria, to the
13 Hydrographic people, and asked them if they wouldn't
14 give me a photostatic copy, and this is the photostatic
15 copy of the chart, this one here, and that is all we have
16 at the present time. They have not had a chart since then.
17 I just might add that that is the only chart we had when
18 we went up there.

19 Q. The one you are showing is Chart 3853,
20 Cape St. James to Tasseau Sound. Is that filed?

21 MR. JACQUES: It was not filed.

22 MR. LANGLOIS: The witness could file this
23 chart as an exhibit.

24 MR. BIRD: Perhaps we should be careful, my
25 lord, because as I understand it there is either a new
26 patch, or a more recent chart, which shows the soundings
27 given on the white print that the witness was referring
28 to. The chart which my friend, Mr. Langlois, is looking
29 at, the lower half of Moresby Island, I believe, is an
30 old chart.



1 THE WITNESS: Yes, this is the only chart we
2 had to work on.

3 MR. BIRD: Yes, that was the only chart the
4 witness had. I understand that.

5 Q. Is that the only chart available for that
6 area presently?

7 A. No, the other chart is the one that I
8 got a photostatic copy of. This one here. You can't
9 call it a chart, but there is a new chart coming out of
10 this one. But I went to Victoria and got them to get me
11 a photostatic copy.

12 THE CHAIRMAN: I don't think it will be neces-
13 sary to get anything further. Should we need the chart
14 later on we could call for it.

3 15 THE WITNESS: But the only thing I want to
16 make, your honour, is that I had to go to the trouble to
17 go the the Hydrographic people to get these things, because
18 they didn't have them out, in order to get the ship there.

19 THE CHAIRMAN: We understand that, thank you.
20 Thank you, Captain.

21 (The witness withdraws)

22 MR. JACQUES: Are there any other witnesses?

23 THE CHAIRMAN: The Commission would like to
24 put a few questions to Captain Gosse.

25
26 WALTER ALLAN GOSSE, Sworn

27 BY COMMISSIONER SMITH:

28 Q. My lord, in asking this question I hope I
29 am not opening up a broad field of interrogation at this
30 particular time, but it would be of interest to me and



1 the rest of the Commission to have Captain Gosse answer
2 it.

3 My information is that some non-British-
4 registered vessels, skippered by captains not speaking
5 English and not always well-acquainted with the naviga-
6 tion in the B.C. Pilotage District, pay the pilotage dues,
7 but do not take a pilot. My question is, is this prac-
8 tice, although conforming to the Bylaw, against the
9 interests of safe navigation in the District?

10 A. Well, my answer to that would be that it
11 could very well be. The pilots in the B.C. coast more or
12 less know the routes followed, and probably the turning
13 points of their pilots, but when they get meeting a
14 stranger, I would say especially around some of the
15 points where there are tides to contend with, if we were
16 meeting a ship coming up with another pilot on we would
17 know pretty well what he is going to do, but when you
18 meet a ship with another captain, who may not be so well-
19 acquainted as the pilots are, he might pursue another
20 course altogether, and cause an accident. Most of our
21 pilots, I think, use more or less the same turning points,
22 which a stranger would not be acquainted with.

23 Q. What about the language aspect of it?

24 A. The language on board his ship, do you
25 mean?

26 Q. Yes, the fact that he does not speak
27 English.

28 A. Are you talking about a ship that does not
29 take a pilot?

30 Q. Yes, he pays the dues, but does his own



1 piloting.

2 A. Well, he would be only talking to his own
3 crew, though. I just don't understand the question.

4 MR. LANGLOIS: What about the marine broad-
5 casts? Would he be able to understand them?

6 THE WITNESS: Well, I think as far as the
7 marine broadcasts of some of the ships they would
8 probably have somebody there, enough people there to
9 understand the English language, anyhow. As far as some
10 of the foreign ships here, I won't name them, but I have
11 seen some of the foreign masters who couldn't even take
12 a D/F bearing. They had to call the wireless man out to
13 do it for them. So those kind of fellows, I don't know.
14 They can't read nor write English, and they can't even
15 navigate their own ship without calling somebody else in,
16 so I don't know.

17 Q. My question is whether it created any
18 problem which would interfere with the safety of naviga-
19 tion in the District?

20 A. Well, only unless they had to come into
21 contact with a Canadian tug, or send out something over
22 their telephone set to another vessel. I think the
23 biggest hazard is that these fellows are going along,
24 and you are meeting them at points, and you don't know
25 what they are going to do. When we meet a ship being
26 piloted we know approximately what course he is going to
27 do. That is one of our biggest dangers.

28 THE CHAIRMAN: Is that a frequent occurrence,
29 that you meet ships not taking pilots like that?

30 THE WITNESS: No, we very seldom have them now.



dpw

1 Q. Would it be fair to say, then, Captain,
2 that you feel more secure when you know that on board
3 the other ship that you are crossing or passing there is
4 another pilot?

5 A. Oh, yes, absolutely.

6 Q. And she has someone who knows exactly
7 what you are going to do?

8 A. Yes.

9 Q. And you yourself knowing exactly what he
10 is going to do?

11 A. Yes.

12 COMMISSIONER RENWICK: May I follow up that
13 question there? How would Captain Gosse know whether
14 there is a pilot on board the other ship or not?

15 MR. JACQUES: The pilot flag is up there.

16 THE WITNESS: That is during daytime. If it
17 did get bad we would probably have to have some signal,
18 too, but at daytime they fly the pilot's flag.

19 THE CHAIRMAN: What about on smaller ships?

20 THE WITNESS: Well, the smaller ships, some
21 of them don't use quite the same channels as we do.

22 THE CHAIRMAN: As the scow that other day?

23 THE WITNESS: Yes, they don't as a rule use
24 them. But we know the smaller ships don't have pilots
25 on them, anyway.

26 MR. LANGLOIS: But on the smaller ships the
27 master will have local knowledge?

28 THE WITNESS: Yes. But if we don't know there
29 is a pilot on or not, we don't know what he is going to
30 do.



1 MR. JACQUES: My lord, I think this concludes
2 the Vancouver hearings, and I wish to extend my thanks
3 to Captain Eddy and his staff who have been most co-opera-
4 tive and who have gone out of their way to make our stay
5 pleasant; Mr. Bird, Mr. Sankey and, of course, the pilots.

6 THE CHAIRMAN: That will go for the members of
7 the Commission also.

8 We will conclude the Vancouver hearings today.
9 Thank you very much for the hearing. We have had quite
10 an interesting hearing. We have learned a lot as to
11 two types of piloting; one, river piloting and the other,
12 coastal piloting, harbour piloting. We did learn a lot,
13 laymen as we are.

14 We thank you very much also for the reception
15 we received here from all those concerned. Our stay here
16 in British Columbia was quite interesting and beautiful
17 and pleasant; and also in the course of our business we
18 might be able to find some way of coming back here.

19 MR. BIRD: My lord, I would like to add a word
20 on behalf of the Vancouver Chamber of Shipping and the
21 Aluminum Company of Canada. My clients, I know, and I
22 have been very much struck by the patience and courtesy
23 shown by the Commission, Mr. Jacques and Mr. Langlois.
24 I think it is necessary that these things should be said,
25 and I hope that the Board will come back here, very soon.

26 MR. LANGLOIS: My lord, my clients, the
27 British Columbia Coast Pilots and the New Westminster
28 Pilots appreciate the opportunity they have been given to
29 put their case to the Commission and for the courtesy and
30 the patience which you and the Commissioners have



1 listened to it.

2 THE CHAIRMAN: That is what we were here for,
3 to get all the facts. Thank you very much for your
4 co-operation.

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6
7 --- Whereupon the hearing adjourned at 1.25 p.m.
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Court House,
St. John's, Newfoundland, on
the 29th day of April, 1963.

COMMISSION:

The Honourable Mr. Justice Borneo Chairman

Robert K. Smith, Esq. Member

Harold A. Renwick, Esq. Member

Mr. F. J. Morissette Asst. Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

Mr. Leopold Langlois, C.C. For the Canadian Merchant
Service Guild and for the
St. John's Pilots'
Committee.

Also Present;

Capt. J. S. Scott, Nautical Adviser
to the Commission.



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TORONTO, ONTARIO

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1 St. John's, Newfoundland

2 Monday, 29th April, 1963

3 ----On Commencing at 2:15 P.M.

4 THE CHAIRMAN: Gentlemen, we are sorry
5 that we delayed you this morning, and that we hadn't
6 communicated with you in connection with the postponement,
7 but it was really unfortunate. As far as we were con-
8 cerned we really meant to be here on time, and left two
9 days early. We had two tries to land at St. John's without
10 avail and we went to Gander for the night and again
11 tried in the morning. Then we took the safest way, and
12 went by taxi. We were stranded 75 miles away from here
13 for six hours. So naturally none of us felt like con-
14 ducting hearings of this nature this morning.

15 I think we are here to get some facts, and we
16 have seen already some facts as to the Newfoundland weather
17 and if it is bad as far as the coast is concerned, how
18 will it be as far as the sea is concerned? So we have
19 experienced that, and we had all the time that we needed
20 to ponder that last night, from seven o'clock till two
21 in the morning, stranded 75 miles from here.

22 In any event, we are here, and we are glad
23 to sit here to hear about the facts of your pilotage
24 here in Newfoundland. As you know, we have been to the
25 two extremes of our country so far. We started by
26 Charlottetown about two months ago, and Saint John, New
27 Brunswick. Then we proceeded to the Pacific coast, where
28 we spent a month, and now we are here. After we have
29 left here we will finish the Maritimes, and then we will
30 start in June in the St. Lawrence River, St. Lawrence



1 Seaway, and the Great Lakes. To conclude our investiga-
2 tion sometime at the end of the fall, or the beginning
3 of winter.

4 Just to explain to you a bit what we are up
5 to here, and in our Commission, we are just a fact-finding
6 body, charged with finding out what is pilotage in
7 Canada in general. We are ordered to place this inform-
8 ation before the proper authority, so that they will know
9 when they are dealing with pilotage what they are dealing
10 with. So we really are just a fact-finding body. You
11 are the ones, and all the help you could give us would
12 be a great assistance. You know the facts more than we
13 do. We are quite strangers, as you know, and therefore
14 we rely very, very much on you to help us, and also
15 knowing all your problems, all your, maybe not problems,
16 but anything that could be improved upon, or that could
17 be thought of. You have been living with this pilotage
18 and your pilotage problems, so you are the ones, and any
19 suggestions you may have, please just express them and
20 explain them to us, and they will be very carefully
21 considered.

22 MR. JACQUES: My lord, as regards the weather,
23 I am advised that it is not always like this.

24 As usual I shall file as exhibits, and we are now
25 up to Exhibit No. 221, the Newfoundland Pilot.

26
27 ---EXHIBIT NO. 222: Volume of Second Edition of
28 Newfoundland Pilot.

29 MR. JACQUES: Radio aids to Navigation,
30 Atlantic and Great Lakes.



1 ---EXHIBIT NO. 223: Aids to Navigation, Atlantic
2 and Great Lakes.

3 MR. JACQUES: The list of lights and fog
4 signals for Newfoundland, including coastal waters of
5 Labrador.

6
7 ---EXHIBIT NO. 224: List of lights and fog signals
8 for Newfoundland, including coastal
waters of Labrador.

9 MR. JACQUES: St. John's harbour chart
10 No. 4588.

11
12 ---EXHIBIT NO. 225: Copy of St. John's Harbour Chart
13 No. 4588.

14 MR. JACQUES: Chart No. 4574, Approaches
15 to St. John's.

16
17 ---EXHIBIT NO. 226: Copy of Chart No. 4574, Approaches
18 to St. John's.

19 MR. JACQUES: Chart No. 4526, Lewisport.

20
21 ---EXHIBIT NO. 227: Copy of Chart No. 4526, Lewisport.

22
23 MR. JACQUES: Chart No. 4652, Humber
24 Arm.

25
26 ---EXHIBIT NO. 228: Copy of Chart No. 4652, Humber
27 Arm.

28 MR. JACQUES: Chart No. 4524, Botwood
29 Harbour.

30



1 ---EXHIBIT NO. 229: Chart No. 4524, Botwood Harbour.

2 MR. JACQUES: Chart No. 4653, Bay of
3 Islands.

5 ---EXHIBIT NO. 230: Chart No. 4653, Bay of Islands.

7 MR. JACQUES: Chart No. 4641, Port aux
8 Basques and Approaches.

10 ---EXHIBIT NO. 231: Copy of Chart No. 4641, Port aux
11 Basques and Approaches.

12 MR. JACQUES: Chart No. 4595, Bay of
13 Exploits, Sheet 1.

15 ---EXHIBIT NO. 232: Copy of Chart No. 4595, Bay of
16 Exploits, Sheet 1.

17 MR. JACQUES: Sheet 2.

19 ---EXHIBIT NO. 233: Copy of Chart No. 4595, Sheet 2.

20 MR. JACQUES: Sheet 3.

22 ---EXHIBIT NO. 234: Copy of Chart No. 4595, Bay of
23 Exploits, Sheet 3.

24 MR. JACQUES: Sheet 4.

26 ---EXHIBIT NO. 235: Copy of Chart No. 4595, Bay of
27 Exploits, Sheet 4.

28 MR. JACQUES: Sheet 5.

30 ---EXHIBIT NO. 236: Copy of Chart No. 4595, Bay of
Exploits, Sheet 5.



1 MR. JACQUES: And lastly Chart No. 4490.
2 Atlantic Coast and Gulf of St. Lawrence.

3
4 ---EXHIBIT NO. 237: Copy of Chart No. 4490, Atlantic
5 Coast and Gulf of St. Lawrence.

6 COMMISSIONER SMITH: If your lordship
7 pleases, may I ask for Exhibit 224.

8 MR. JACQUES: As regards the tide and
9 current tables for Newfoundland, they have already been
10 filed as Exhibit 16 in Charlottetown, and the Treasury
11 Board Minute, dated 27th of August, 1959 pertaining to
12 the operation of the pilot body in St. John's Harbour has
13 been filed in Saint John, New Brunswick, as Exhibit No.
14 52.

15 Mr. Whelan from the Department of Public Works.

16
17 THOMAS GERARD WHELAN, sworn

18 DIRECT EXAMINATION BY MR. JACQUES:

19 Q. What is your full name, sir?

20 A. Thomas Gerard Whelan.

21 Q. What is your occupation?

22 A. I am an Area Engineer with the Federal
23 Department of Public Works.

24 Q. What degree do you hold?

25 A. Bachelor of Engineering in Civil Engineering.

26 Q. When was it granted?

27 A. In 1956.

28 Q. How long have you been in the employ of
29 the Department?

30 A. Since 1957.



1 Q. As such, are you familiar with any dredging
2 that might be done in any port within the jurisdiction
3 of your Department?

4 A. Yes sir.

5 COMMISSIONER SMITH: Excuse me Mr. Jacques.
6 We didn't get his full name.

7 THE WITNESS: Thomas Gerard Whelan.

8 Q. Would you tell the Commission where, if
9 any, any dredging is done in the Province of Newfoundland,
10 and the harbours of either St. John's, Botwood, Lewisporte,
11 Corner Brook, and Port aux Basques?

12 A. Well, dredging has been carried out in
13 all these harbours, but generally it has been what we
14 would call capital dredging, as opposed to maintenance
15 dredging, which is required to combat sedimentation,
16 siltation, or literal drifting. We have had in St. John's
17 harbour dredging caused by siltation mainly in the Water-
18 ford River mouth.

19 Q. Would you indicate this area on Chart
20 No. 4458 with a red mark please?

21 --- (The witness complies)

22 A. These limits aren't exact.

23 Q. It is approximate?

24 A. Yes, it is approximate. We have also
25 done very minor amounts of dredging around an old finger
26 wharf on the old side, but quite some time ago, and not
27 since the harbour development started.

28 Q. The finger wharves, to which you refer
29 no longer exist?

30 A. No, they don't.



1 Q. And is this the only maintenance dredging
2 which your Department has done in any of the harbours
3 which I have just mentioned?

4 A. Yes, that is the only maintenance dredging
5 as such.

6 Q. What would be the rate of sedimentation
7 in that area?

8 A. Well, in 1960 we excavated roughly
9 12,000 yards from this general area, but this was not
10 entirely all maintenance dredging. There was some debris
11 around the C.N.R. paper wharf which represented quite
12 a long accumulation.

13 Q. This sedimentation, how many inches, or
14 feet, would it represent on the bottom of the harbour?

15 A. In 1960 I would say our cut was probably
16 seven to eight feet deep, and we are now faced with the
17 situation where we have to do this again in 1963 in the
18 same area.

19 Q. So that three years have elapsed since
20 true maintenance dredging?

21 A. Yes.

22 Q. Approximately?

23 A. Approximately, but it would probably
24 recur in about the same magnitude.

25 Q. Within three years?

26 A. In three or four years, yes, given the
27 same upstream conditions in Waterford River.

28 MR. JACQUES: Thank you sir. Your
29 witness.

30 COMMISSIONER SMITH: My lord, I would like



1 to ask the witness a couple of questions.

2 With regard to the policy of the Department of
3 Public Works on the dredging at private berths, as dis-
4 tinguished from dredging in the main channel, what is
5 the policy here in that regard?

6 THE WITNESS: Well sir, the policy on
7 strictly private berth dredging is that it is in the
8 classification we know as private dredging in which the
9 owner of the facility pays for the costs of the dredging
10 There are expenses to that when there is a degree of public
11 use to the private facility.

12 COMMISSIONER SMITH: Is there any con-
13 tribution by the private owner to the dredging from the
14 main channel up to the outer end of the private berth?

15 THE WITNESS: We have not had that sit-
16 uation in this province, sir, but in the areas where it
17 does occur it is my understanding that that is the
18 policy, that there is a contribution from the various
19 berth owners.

20 COMMISSIONER SMITH: Do you know what that
21 contribution is, the percentage?

22 THE WITNESS: I think it is flexible,
23 sir, depending on the individual case and the degree of
24 public use which the channel would be put to, the main
25 channel.

26 MR. JACQUES: There are a couple of
27 questions which I missed.

28 DIRECT EXAMINATION BY MR. JACQUES: (continued)

29 Q. Do you carry out any soundings in the
30 harbours which I have just mentioned?



1 A. Well, in St. John's Harbour, as you know,
2 we have done considerable soundings in connection with
3 the harbour development. Port aux Basques has been ex-
4 tensively sounded in connection with the development up
5 there. The only sounding in connection with Botwood
6 and the Lewisporte area has been in connection with capital
7 dredging by ourselves, or where we have been agents in
8 conjunction with other departments.

9 Q. Is this information passed on through
10 the Department of Transport?

11 A. Yes sir, the Department of Transport
12 Marine Services Branch, the District Marine Agencies in
13 particular administer all the works which we build which
14 are structures, such as wharves and whatnot, and as these
15 jobs are finished they are passed over, together with
16 the site information, to this Department.

17 Q. Have you ever had any request from
18 any local pilotage authority to supply some of this in-
19 formation in any of these ports?

20 A. Not to my own personal knowledge, although
21 it is quite reasonable that these requests are made
22 informally from time to time.

23 Q. Do you carry out any surveys of currents
24 in the various harbours?

25 A. Only when we have a technical problem
26 of which currents are a factor, such as literal drifting
27 and shore erosion, and so forth.

28 Q. Has any such survey been made in either
29 St. John's, Botwood, Lewisporte, Port aux Basques, or
30 Corner Brook?



1 A. I believe one has been made in St. John's,
2 but I have no personal knowledge of it. The harbour's
3 design was in the hands of consultants, and they did very
4 extensive pre-engineering studies, but I don't know whether
5 this included a current study or not. I assume it did.

6 Q. You assume it did?

7 A. Yes.

8 MR. JACQUES: Any questions?

9 MR. LANGLOIS: No questions.

10 MR. JACQUES: Mr. Evans.

11

12 FREDERICK JOSEPH EVANS, sworn

13 DIRECT EXAMINATION BY MR. JACQUES:

14 Q. Would you state your full name and age,
15 please?

16 A. Frederick Joseph Evans, age 37.

17 Q. And what is your profession, sir?

18 A. I am employed as an auditor with Audit
19 Service Branch, Office of the Comptroller of the Treasury,
20 Department of Finance.

21 Q. How long have you been in the employ of
22 this department?

23 A. Since 1955.

24 Q. As such, have you had anything to do with
25 the accounts of the St. John's Harbour and Pilotage
26 Commission?

27 A. As part of my duties I am required to
28 prepare a statement of operations based on the yearly
29 operations of the harbour and pilotage.

30 Q. Have you done so for the fiscal year ending



1 March 19, 1963?

2 A. Not completed.

3 Q. Not completed. March 1962?

4 A. Completed.

5 Q. 1961?

6 A. Completed.

7 Q. 1960?

8 A. Completed.

9 Q. 1959?

10 A. Well, not in the same forms 1960, 1961,
11 due to change of instructions.

12 Q. Have you brought copies of this statement
13 with you?

14 A. For 1960, 1961 and 1962 I have copies
15 here.

16 Q. Now, would you file these as Exhibit No.?

17 THE SECRETARY: 238.

18 Statements of accounts of the
19 ---EXHIBIT NO. 238: St. John's Harbour and Pilotage
20 Commission for fiscal years ending
March, 1962, March, 1961 and March
1960.

21 Q. As Exhibit 238 in a bundle?

22 A. Yes, sir.

23 MR. LANGLOIS: What would be the description
24 of the documents?

25 MR. JACQUES: Statements of accounts of the
26 St. John's Harbour and Pilotage Commission for fiscal years
27 ending March, 1962, March, 1961, and March, 1960.

28 Q. Sir, would you refer to statement number
29 1 for 1962, which is a large sheet of paper written in
30 pen and ink? Would you read the contents of the left-hand



1 column entitled "Receipts" and explain what the entries
2 are?

3 A. Item No. 1, 3 per cent surcharge on pilots'
4 scale fees, this is a percentage charged on the actual
5 fees of pilots to cover expenses to operate the pilotage
6 from St. John's harbour.

7 The next item is 3 per cent surcharge on pilots'
8 harbour shifts. This is based on almost the same as No.
9 1, but it is a fee charged by the pilots to move a ship
10 within the harbour.

11 Harbour dues are fees charged by the Harbour
12 Commission when the ship is entering and leaving St.
13 John's.

14 Accounts from 1960 - 61 not listed as receivables
15 were items that did not appear on the accounts receivable
16 from the previous year.

17 Deposited from the cash in error was an error
18 in bookkeeping where a petty cash account was deposited
19 in error.

20 Refund to expenditure, cost of telegram, estimated
21 at 75 per cent harbour, 25 per cent pilotage.

22 Q. Now, I must stop you here, before you go
23 on with the explanation. Would you explain the columns,
24 the various columns on the left-hand side of this statement,
25 one entitled "Pilotage," one entitled "Harbour," and the
26 third one entitled "Harbour and Pilotage Commission"?

27 A. Well, the Harbour and Pilotage Commission
28 collect these dues and deposit them in the harbour account,
29 that is the Harbour and Pilotage Commission account for
30 revenue. For our purposes and as has been requested, I



1 attempted to break these down between pilotage and harbour.
2 We are trying to show what it would actually cost to
3 operate the harbour as a harbour and the pilotage as
4 pilotage.

5 Q. As two separate entities?

6 A. As two separate operations. So in some
7 cases you will find I have had to take an estimate of the
8 breakdown of cost as there is no other way to separate
9 these costs.

10 Then refund to expenditure, cost of telegram,
11 estimated at 75 per cent harbour and 25 per cent pilotage,
12 this was an expenditure made to pay the cost of a telegram
13 for -- I wouldn't know the actual reason for the telegram,
14 but it appears as an expenditure. The cost was recovered,
15 and therefore it went in as revenue, broken down, as I
16 have said, 75 per cent harbour, 25 per cent pilotage.

17 Q. What was the basis of your estimation
18 of this 75 per cent for harbour and 25 per cent for
19 pilotage?

20 A. It is only based on my judgment.

21 Q. Only on your judgment?

22 A. I have no possible way of tying it down
23 to the exact percentage.

24 Q. Now, the next item, please, in the left-
25 hand column?

26 A. Pilots' licence, 9 pilots at \$5.00 per
27 licence. This is a charge for each pilot who did operate
28 as a pilot in St. John's harbour for the year 1st April,
29 1961, to 31st March, 1962. That is 9 pilots at \$5.00
30 per pilot.



1 Premium on U.S. exchange. This was a payment
2 in U.S. funds for charges. At that time U.S. funds were
3 at a premium, so there was an increase in revenue due to
4 that.

5 Miscellaneous deposits (no explanation). These
6 probably were cash receipts deposited to the account with
7 no breakdown in the record.

8 Interest received (trust fund held at Montreal
9 Trust).

10 Q. Would you explain what this trust fund
11 is?

12 A. Basically, previous to Confederation, the
13 Newfoundland government had operated or backed the operations
14 of the St. John's Harbour. They had granted a loan of
15 \$5,000.00 to the harbour.

16 Q. That is the Newfoundland government?

17 A. That is the Newfoundland government. They
18 have never actually stated whether they will let the
19 loan go, they never bothered to collect it until last
20 year when they made some feelers about having it back.
21 To take care of this possibility, the Harbour and Pilotage
22 Commission had deposited in the Montreal Trust \$5,000.00,
23 and they received \$168.02 in interest on that.

24 Q. Would you know whether this loan bears
25 interest or is it an interest-free loan from the government?

26 A. I would presume it to be interest-free,
27 due to the fact that the provincial government had con-
28 sidered, had paid a lot of operating expenses of the
29 harbour, and I have no record, I cannot find any record
30 where the loan was granted; I do not know the terms of the



1 loan.

2 Q. Now, may we pass on to the heading
3 "Disbursements," and the first item is administration:
4 salaries of Harbour Commissioners, Harbour Master, Clerical
5 Staff.

6 A. The Harbour Commissioners, Harbour Master
7 and Clerical Staff receive a salary, as per the St. John's
8 Act, paid from the revenue of the St. John's Harbour,
9 and in this case I have broken it down. This is then
10 estimated at 50 per cent harbour, 50 per cent pilotage.
11 This is purely an estimate on my part, because I presume
12 that the majority of this is paid out of harbour receipts,
13 and pilotage. As to administrative expenses, travelling
14 expenses --

15 Q. Just a minute. Would you know the salaries
16 paid to the Harbour Commissioners, independently of the
17 salaries paid to the Harbour Master and clerical staff?

18 A. According to the agreement, it is \$500.00
19 per year.

20 Q. For the three of them?

21 A. I cannot recall.

22 COMMISSIONER SMITH: I think it says for
23 the three of them.

24 THE WITNESS: Yes, for the three of them.
25 Travelling expenses is a charge for the Harbour Commissioners
26 in the last year.

27 Workmen's Compensation, that supplies protection
28 for the pilots, and I have charged it all to pilotage.

29 The provident fund is based on a charge of \$50.00
30 by the Commissioners from fund revenues and goes into a



1 private bank account which is held in trust for each
2 pilot, and each pilot matches the \$50.00 from his earnings.
3 So it results that each year each pilot's account goes
4 up by \$100.00. This fund is payable to the pilot when
5 he leaves the service.

6 Bank charges are just charges made by the bank
7 for the cost of passing and handling cheques.

8 Payment of premium on U.S. exchange to harbour
9 account, this is a cost where the exchange has gone the
10 other way and now it becomes an expense.

11 Refund of overpayment of pilot boat expenses,
12 1960-61 was based on a survey made by us in 1960-61 to
13 ascertain the cost of operating the pilot boat at the time
14 of takeover by the Federal government, and there was a
15 duplication of payment made. This payment has been
16 collected from the Harbour Commission in this operating
17 year.

18 Refund of pilot boat charges deposited to
19 harbour account in 1960-61, this was a bookkeeping error
20 where pilot boat charges, which are federal government
21 revenue, were deposited to the harbour account as harbour
22 revenue.

23 Refund of harbour dues was a charge made in
24 error to one of the agents who had paid the harbour dues
25 and was later refunded it.

26 Q. Now, general expenses, please?

27 A. Petty cash expenses, these consist of
28 postage and small items purchased by cash. I estimated
29 this as 80 per cent pilotage, 20 per cent harbour, as
30 there are small items purchased through it for the pilotage



1 and harbour.

2 Telegraph charges, as previously reported, are
3 estimated at 75 per cent harbour, 25 per cent pilotage.

4 Stationery and office supplies are estimated at
5 50 per cent harbour, 50 per cent pilotage.

6 The pilot house expenses which I have had charged
7 strictly to pilotage are heat, telephone, cleaning (wages),
8 cleaning (supplies), materials (light bulbs, et cetera),
9 repairs to an oil heater, repairs to the pilot house,
10 repairs to furniture, and I have a note here, recovering
11 chrome chairs.

12 Q. Have you any knowledge of the agreement
13 which may exist or may not exist between the pilots and
14 whoever is the owner of the pilot house?

15 A. No.

16 Q. You have not?

17 A. No. These are just a reconciliation on
18 that to balance it with the bank. The bank balance was
19 approximately \$3,300.00 at the 31st of March, 1962.

20 Q. Now, would you refer to the statement
21 No. 2, which is the sheet of paper which should be with
22 the statement No. 1?

23 A. Receipts and disbursements of pilots; this
24 is the actual pilots' earnings for fees they had collected
25 for their services. Receipts under scale fees, which are
26 fees as laid down per scale; harbour ships, which are
27 charges made for moving a ship within the harbour.

28 Disbursements; the pilots, as they operate in-
29 dependently, have to receive back in one form or another,
30 all their scale fees, all their earnings; so, up to March



1 31, 1962, they received their total earnings in this
2 form; wages, income tax, provident fund and licences.

3 Q. Would you explain the item "licences"?

4 A. This then is the item as shown in Statement
5 No. 1 as revenue to the pilotage and to the harbour. It
6 is 9 pilots at \$5.00 per pilot.

7 Q. So in fact they would pay that money to
8 the Commission and the Commission would pay it back to them
9 at the end of the year?

10 A. No; they would have that money deducted
11 from their own salaries, paid to the Commission and the
12 Commission would accept it as revenue to the harbour.

13 Q. My mistake.

14 A. In the statement of operations of the pilot-
15 age, which is statement No. 3, again we attempted to break
16 the pilots separate, the pilotage separate and the harbour
17 separate. The operations of the pilotage receipts
18 which are 3 per cent surcharge on the pilots' scale of
19 fees, it is not charged to the pilots. Please let me make
20 this clear; it is always confusing. This 3 per cent is
21 not a charge on the pilot, it is a charge on the ship
22 or the shipping agent of 3 per cent of the pilots'
23 earnings. The same applies to the harbour shifts.

24 The refund of expenditure, which is a portion
25 of this telegram, and the miscellaneous deposits, which
26 I have attempted to breakdown between the harbour and
27 pilotage.

28 The disbursements of those receipts; administrative
29 which is statement No. 1, general expenses, which is
30 statement No. 2; pilot house expenses, which is statement



1 No. 1 -- I should say which total agrees with statement
2 No. 1, and it leaves an excess disbursement over receipts --

3 Q. Of what amount?

4 A. \$1,204.91. This would indicate that the
5 pilotage on the present basis of fees and charges could
6 not operate independently without some sort of assistance
7 due to the fact that they have paid out more than they
8 have received.

9 However, as I stated, some of these items of
10 expenses are purely an estimation on my part, and what
11 portion of it is pilotage and what portion of it is
12 harbour itself could fluctuate possibly as much as a
13 thousand dollars, depending on just how much this estima-
14 tion consisted of, or how much it was out during the year.

15 Q. This would be a deficit operation?

16 A. A deficit operation, correct.

17 Q. Who pays this deficit?

18 A. Well, it has been the procedure of the
19 Harbour and Pilotage Commission.

20 They have noticed this deficit over a period of
21 years and have stated, as the harbour has been paying this
22 deficit, they now consider this 3 per cent surcharge on
23 pilotage scale fees and the 3 per cent surcharge on harbour
24 shifts are all revenue to one bank account which is the
25 St. John's Harbour and Pilotage Commission bank account,
26 and all expenses are paid from this one account. So any
27 deficit on this is picked up by the St. John's Harbour account

28 Q. And it is paid by the revenue?

29 A. Revenue from harbour itself.

30 Q. Would you turn to your statement for the

fiscal year ending March ---



1 COMMISSIONER SMITH: If I could interrupt
2 for a moment and ask a question here. I think it is
3 fairly clear. It is in connection with this 3 per cent
4 surcharge which I understand is charged against the
5 ship on the pilot's earnings?

6 A. Correct, sir.

7 Q. As an illustration, if the pilotage does
8 cost a ship say \$100.00, you collect \$103.00 from the
9 ship?

10 A. That is correct, sir.

11 Q. Do the statements for 1961 contain the
12 same information as the statements for 1962?

13 A. Basically the same information; there may
14 be a little variation due to some possible questions
15 we were asked to answer on those statements.

16 Q. Can you tell from the statement whether
17 the pilotage services had been operated at a deficit in 1961?

18 A. In 1961, according to the statement, the
19 pilotage had a surplus of \$857.14, but again in 1961, the
20 pro ration of expenses were not done on the same basis.

21 Q. On what basis was it done?

22 A. For example, all the commissioners' salary
23 was charged directly into the harbour operations, and no
24 attempt was made to pro rate on a basis, or split the
25 expenses that were of a doubtful nature between pilotage
26 and harbour.

27 Q. What is the nature of the expenses which
28 were charged against pilotage?

29 A. Pilotage expenses consist of pilot boat
30 expense for one and a half months; Workmen's Compensation



1 for pilots; pilots provident fund; salary, pilots and other
2 records; that is the salary of the administrative assis-
3 tant or aid which keep the records and make up the pilots'
4 cheques; telegrams and telephones, net; Lloyd's Registry
5 of Shipping.

6 Q. What is that?

7 A. Lloyd's Registry of shipping is a list of
8 vessels, their gross tonnage, et cetera, and their
9 specifications. I am not quite sure if Captain Stone,
10 the Harbour Master, would verify that.

11 Q. Would you tell the Commission why any
12 money was paid for Lloyd's Registry by the pilots?

13 A. In my opinion I would assume the pilots
14 would require this registry to verify gross weight and other
15 specifications of ships requiring pilotage as their
16 scale fees are based on weight of ships and so forth.

17 Q. Continue, please?

18 A. Bank charges; radio licence -- this was a
19 charge for a licence for the boats, pilot boats, when they
20 operated the boats themselves. This has been discon-
21 tinued now, as the boats come under the Department of
22 Transport.

23 Stationery, postage and miscellaneous, pilot
24 house expense, 12 months, for cleaning, heating and cleaning
25 supplies. As you may note there are several items there
26 which I have pro-rated and they have charged -- this has
27 been charged the full amount.

28 Q. I refer you to the item, pilots' provident
29 fund shown in statement No. 3 in the statements for the
30 year ended March 31, 1961. I read there, "Commission



1 Contribution".

2 A. Yes; this is a -- at that time there were
3 10 pilots; at \$50.00 per pilot it is \$500.00.

4 Q. This is the share which has to be paid by
5 the Commission?

6 A. By the Commission; it has been charged as an
7 expense of pilotage.

8 Q. This is not \$50.00 which the pilots have
9 to pay themselves?

10 A. No; this appears on statement No. 2,
11 "Providence Fund Payments for pilots, \$500.00", which
12 is a matching of the total pilotage receipts.

13 Q. Now, sir, would you refer to the financial
14 statement for the year ended March 31, 1960.

15 A. That year it was charged ---

16 Q. Does that statement contain information
17 similar to that contained in the previous statements?

18 A. Very similar.

19 Q. Is it entered in the same form?

20 A. Very much the same form, yes.

21 Q. Would you tell from that document whether
22 the pilotage service was operated at a profit or a
23 deficit that year?

24 A. It was a deficit of \$4,000.00 that year,
25 but they had \$12,000.00 worth of pilot boat expenses under
26 this operation.

27 Q. Would you know the breakdown of this
28 pilot boat expense?

29 A. Boat No. 1 cost \$3,381.50; boat No. 2
30 cost \$9,207.94.



1 Q. Are you aware of the nature of this
2 expense?

3 A. Not from this statement and not from my
4 memory -- I am sorry.

5 Q. Not from your memory. Thank you, sir. Would
6 you have a statement for the year ended 31st March, 1959?

7 A. I should have it, yes.

8 Q. Is that statement similar in form and
9 contents to the previous statements?

10 A. With the one exception, it is not produced
11 with the same intention of providing information as the
12 other two statements did. This statement I believe
13 was prepared basically to supply the Harbour Commissioners
14 with an outline of their operations for the year; while the
15 other three statements were prepared with the intention
16 of providing my head office in Ottawa with certain in-
17 formation.

18 Q. Would you file this statement as Exhibit
19 No. 239. It is the St. John's Harbour and Pilotage
20 Commission statement of revenue and expenditures for
21 the period 1st of April, 1958, to 31st March, 1959.

22

23 ----EXHIBIT NO. 238: St. John's Harbour and Pilotage
24 Commission statement of revenue and
25 expenditures for the period 1st
of April, 1958, to 31st March, 1959.

26 COMMISSIONER SMITH: Are there any spare
27 copies of this? It is difficult to follow this without
28 a copy in front of you.

29 MR. JACQUES: We have had a lot of trouble
30 getting photo copies, and this statement was not available



1 at the time. That is why you have not got copies.

2 THE CHAIRMAN: He was talking about the
3 previous one; we have only one copy here, and it is very
4 difficult.

5 MR. JACQUES: The people have tried to get
6 copies but apparently this was not possible, sir.

7 THE CHAIRMAN: Arrange to have copies made
8 of Exhibits 238 and 239 and send them to all Commissioners.

9 THE SECRETARY: Yes.

10 Q. From Exhibit 239 can you tell whether
11 the pilotage service was operated at a profit or a
12 deficit?

13 A. In the period 1958 to 1959 they operated
14 at a \$890.53 loss.

15 Q. I refer you back again to Exhibit 238.
16 Schedule 2 of the statement for 1960.

17 THE CHAIRMAN: It is already filed.

18 Q. Would you explain the contents of this
19 schedule to the Commission?

20 A. This is a schedule of fixed assets and
21 reserve for depreciation of the 2 pilot boats which were
22 then in operation.

23 Q. What does it show?

24 A. Pilot boat No. 1 it shows was depreciated
25 at a rate of 9 per cent per year of its original cost.

26 Q. To the best of your knowledge is that the
27 normal rate for that type of boat?

28 A. This is a rate that was established by the
29 Harbour Commission; whether it was normal --

30 Q. You have no idea?



1 A. I have no idea. It shows reserve for
2 depreciation as of April 1, 1959; it shows the provision
3 for depreciation as of the year 1959-60, and it shows
4 the reserve for depreciation in 1960, and it shows the net
5 book value.

6 Q. Among those figures was there any money
7 in the bank or are those just figures?

8 A. Those are just book figures. I don't think
9 there was ever a fund established to provide for replace-
10 ments.

11 Q. Now, I refer you to summary No. 1 of the
12 same report, filed as Exhibit 238. Explain that summary
13 to the Commission, please?

14 A. This is a summary of pilot's semi-monthly
15 cash reports for the period April 1, 1959 to March 31,
16 1959. This is a breakdown of revenue turned in by the
17 pilots to the Harbour Commissioners office for deposits,
18 and it is as recorded in their books and records. It
19 contains a 15 per cent surcharge which no longer exists.

20 Q. This is the left hand column, the extreme
21 left-hand column?

22 A. Yes. Detention fee in the first column,
23 which is the charge by the Commission Pilots, the 15
24 per cent surcharge is based on pilotage and it would be the
25 total pilots' fees. That shift would be harbour shifts,
26 and the total pilotage returns and total shifts, and
27 the gross amount. The income tax, and the net earnings,
28 that is the gross amount minus the income tax.

29 The next column shows a five per cent reserve
30 fund. This fund no longer is in existence. It was a



1 contingency fund established, to which the pilots paid
2 five per cent of their earnings. It was intended to meet
3 any expenses over and above what the 15 per cent surcharge
4 couldn't meet. If the expenses didn't exceed the 15 per
5 cent surcharge, the 5 per cent is returned in its entirety
6 to the pilots, or any balance unused was returned.

7 Next is miscellaneous accounts receivable, and
8 that includes accounts receivable from the previous year,
9 which couldn't be charged to anything particular, licence
10 fees, accounts payable, accounts receivable, and so forth.
11 The net amount includes the net amount of pilots' earnings.

12 MR. JACQUES: Thank you sir, your witness.

13 MR. LANGLOIS: I have no questions thank you.

14

15 HENRY WILLIAM STONE, sworn

16 DIRECT EXAMINATION BY MR. JACQUES:

17 Q. What is your full name, please sir?

18 A. Henry William Stone.

19 Q. What is your age sir?

20 A. Forty-nine.

21 Q. What is your profession sir?

22 A. Seaman, Master Mariner.

23 Q. In whose employ are you?

24 A. Steamship Inspection, Department of
25 Transport, and Acting Harbour Master for the St. John's
26 Harbour Commission.

27 Q. How long have you been Acting Harbour
28 Master for St. John's Harbour?

29 A. Since May 15, 1960.

30 Q. As such, do you have anything to do with



1 pilots, or pilotage?

2 A. Yes, we administer the pay for the pilots,
3 and so on, and certain things that will crop up otherwise,
4 like ships berthing, ships outside in trouble, and so
5 on.

6 MR. JACQUES: At this moment my lord I would
7 like to file the by-law of St. John's Harbour, together
8 with an Act respecting pilotage, being Act No. 1 of the
9 Statutes of 1946, and I have the amendments adopted since
10 Confederation.

11
12 ---EXHIBIT NO. 240: Bundle consisting of by-law
13 of St. John's Harbour, and Act,
14 respecting pilotage, being Act
15 No. 1 of the Statutes of 1946,
16 and the amendments adopted
17 since Confederation.

18 MR. JACQUES: This Act No. 1 of the
19 Statutes of 1946 is now Chapter 217 of the Revised
20 Statutes of Newfoundland for 1952, and the only difference
21 between the two is in the numbers of the various sections.

22 Chapter 217 reads one number higher than the
23 Statutes for 1946. For example, Section 16 of Chapter 217
24 would be Section 15 of the 1946 Statutes.

25 Another difference between the two is in Section
26 3 of Chapter 217 it is stated that the Commission shall
27 consist of the Minister of Public Works, ex-officio,
28 whilst the Statute of 1946 reads as follows:

29 "The said Commission shall consist of the
30 Commissioner for Public Utilities."

I have checked, and the 1952 Statute has not been amended
since 1952.



1 COMMISSIONER SMITH: Excuse me Mr. Jacques.

2 Has there been any recent constitutional change or amend-
3 ment within the last two or three years that would change
4 the whole thing?

5 MR. JACQUES: Not as regards pilotage.

6 COMMISSIONER SMITH: And so far as the
7 application of The Shipping Act is concerned, the pilot-
8 age here remains in the same position as it did at the
9 time of Confederation?

10 MR. JACQUES: Substantially the same position
11 sir. I could point out one item, the appointment of
12 the Chairman of the Local Commission here.

13 COMMISSIONER SMITH: Yes. I meant with
14 regard to the pertinent and essential portions of The
15 Shipping Act, for instance exemptions?

16 MR. JACQUES: Yes sir, I believe it is
17 exactly the same.

18 Q. Would you first explain to the Commission
19 what records you keep as regards pilotage?

20 A. There is a list made of daily arrivals.
21 Also a list is made of ships that would pay harbour dues.
22 At the middle and the end of each month there is a record
23 of payments, of pilotage cards, and so on, which is
24 brought to the office by the pilots, and payments are
25 made twice a month, the middle and the last, and the monies
26 deposited in the bank, and those records are going in
27 our books. Also, all expenditures paid for by cheque,
28 a record of which is kept by voucher, except for small
29 items, which probably cost a few cents, or a dollar, or
30 something like that. Otherwise everything is paid for



1 by cheque, and kept track of by voucher, and also enter-
2 ed in our daily books.

3 Q. You mentioned expenditures. What sort of
4 expenditures?

5 A. We buy for the pilot station different
6 things, like bulbs, and sometimes we do a little repair.
7 We bought a chart table sometime ago.

8 Q. Repairs to what?

9 A. We did repairs to a table there, repairs
10 to chairs.

11 Q. A table where?

12 A. In the pilot station. We buy fuel for
13 the pilot station. They have two stoves there, oil burners.
14 We buy fuel for them, and stationery, stamps, and so on.

15 Q. And do you pay the wages of the cleaning
16 man, or the cleaning woman?

17 A. We pay the woman who cleans the pilot
18 station twice a week. We pay her also by cheque.

19 Q. Do you keep an establishment book showing
20 the names of the pilots, their age and the dates of the
21 issue of the licences?

22 A. We do. We have a book of when each
23 pilot joined, and their age, and the date the licence
24 was issued, and so on as licences are re-issued them
25 every year. Until this past year we endorsed each
26 license, for January 2, 1963.

27 Q. Are these licences issued with any limita-
28 tion, other than the time which you have just stated?

29 A. Well, no, they are issued for pilotage
30 for St. John's harbour and approaches, which includes



1 the pilotage district from a radius of two miles outside
2 the Heads, but for when the pilots are off duty we have
3 no licence for anything outside of that.

4 Q. But the licence does not contain any
5 limitation as to tonnage, types of ships, or the area in
6 which they can pilot?

7 A. No.

8 Q. None?

9 A. No.

10 Q. Have you prepared an extract from the
11 establishment book, showing the name, age, and the date
12 of licence of the pilots actually working?

13 A. I have. This is extracts from the book
14 of the records of pilots on station, age, and date of
15 joining.

16 Q. Would you file it as Exhibit 241?

17 A. Yes.

18
19 ---EXHIBIT NO. 241: Extracts from establishment book.

20
21 Now, referring to 240, would you tell the
22 Commission which of these pilots hold any certificate of
23 competency, and, if so, what type?

24 A. All of these pilots hold certificates
25 of competency.

26 Q. What is the type of the certificate?

27 A. Captain Linegar, Master foreign-going,
28 Captain King, Master coastwise.

29 Q. Well, if you don't recall, just say so?

30 A. Captain King, Master foreign-going, Captain



1 Goodyear, Master foreign-going, Captain Hancock, Master
2 foreign-going, Captain Plodister, Master foreign-going,
3 Captain Collins, Master foreign-going.

4 Q. So that Captain King and Captain Gatherall
5 you don't know?

6 A. Captain King and Gatherall would be
7 Master home-trade or coastwise.

8 Q. Are you able to tell the Commission how
9 long, if it is the case, these men had been in command
10 of ships before they became pilots?

11 A. No, I am afraid I couldn't say how long,
12 but I know these men have been in command of vessels,
13 to the best of my knowledge at different times.

14 Q. Do you keep a file on each pilot under
15 your charge?

16 A. Yes, we have a file on each pilot.

17 Q. What does that file contain?

18 A. The only thing that would be in that file
19 would be the date of joining, his qualifications, and
20 anything. If there is any collision and so on at any
21 time. In fact, there is very little in the files, because
22 their income tax, et cetera, is kept on another file.

23 Q. Does it contain, apart from that, mention
24 of injuries occurring to the pilots whilst they are on
25 the job?

26 A. Injuries to pilots whilst they are on
27 the job is kept in the Workmen's Compensation file.

28 Q. Since you have been in office, have you
29 had occasion to examine an applicant who wished to become
30 a pilot?



1 A. No, we have had no occasion, because our
2 pilotage has been reduced, and there were two pilots moved
3 out since I was there, and we had no occasion to fill
4 those positions.

5 Q. To the best of your knowledge, are there
6 any particular rules for the examination and entry into
7 service of pilots?

8 A. There is, as stated in the St. John's
9 Harbour Act, that a man with qualifications of a master
10 mariner would be suitable for qualification as a pilot,
11 and then there are clauses on drugs, alcoholic liquor,
12 and so on.

13 Q. Do you know if a pension fund exists
14 for the St. John's pilots?

15 A. There is no registered pension fund, but
16 we have what is known as a provident fund. ^{Q.} Which was
17 explained by the previous witness?

18 A. By Mr. Evans, our auditor.

19 Q. Have you prepared a statement of the funds
20 actually in the bank as of June 19, 1962?

21 A. I have. This is a statement of the funds.
22 It is taken from the bank books of each pilot's provident
23 fund account, and that was the figures of June 19, 1962,
24 when the last deposit was made.

25 Q. Would you file this document as Exhibit No.
26 242 please?

27 A. Yes.

28

29 ---EXHIBIT NO. 242: Statement of funds taken from
30 pilot's provident fund accounts.



1 Q. Apart from the regulations contained in
2 the By-law, has the Commission or yourself as Harbour
3 Master, ever adopted any rules governing the conduct of
4 pilots?

5 A. No, we have just stood by the rules as
6 laid down in the Harbour Act, and we have only had one
7 occasion where we have had any cause to have to comply
8 with this.

9 Q. And what was the cause of this measure?

10 A. It was a case of a pilot who is not now
11 with the St. John's Harbour Pilot's Commission, and
12 alcohol was the cause.

13 Q. How long ago was that, sir?

14 A. I am not positive. It was 1961, I think
15 in the fall of 1961 - December, 1961.

16 Q. Did you yourself take part in this
17 suspension?

18 A. I did attend a meeting, each meeting
19 in connection with this pilot, and as Secretary of the
20 meeting I kept minutes of the meeting.

21 Q. When you refer to meetings, am I right
22 in assuming that these were meetings of the Commission?

23 A. That is right.

24 Q. Was the pilot called before the Commission
25 at any time?

26 A. Not at that time. But before my appoint-
27 ment as Acting Harbour Master, this pilot had been called
28 before the Commission on two occasions for the same
29 troubles.

30 Q. Just before he was relieved of his duties



1 was he called before the Commission and given an opportunity
2 to speak and put in any defence he wished?

3 A. No, he was not called before the
4 Commission. He was given a letter, and his suspension
5 depended on his conduct over a period of time, which
6 did not improve as far as the Commission could see, and
7 he was dismissed from the pilotage service.

8 Q. How had you received the information
9 that this pilot consumed alcoholic beverages?

10 A. There were times when he was absent from
11 duty and other pilots had to take -- when his turn came
12 up to take a ship, other pilots had to do his work for
13 him.

14 Q. Now, sir, have you prepared any statements
15 on the total revenues of the district for the past five
16 years?

17 A. I have. I have the revenues for 1958,
18 1959, 1960, 1961 and 1962.

19 Q. Would you file these as Exhibit 243?

20 A. Yes.

21

22 ---EXHIBIT NO. 243: Copies of total revenues for the
23 St. John's Pilotage District for
24 the years 1958, 1959, 1960, 1961
and 1962.

25 Q. Would you explain to the Commission the
26 contents of these documents, starting from the left-hand
27 column, Exhibit 243?

28 A. In the year 1962 the total revenue was
29 \$70,289.66.

30 Q. What was included in that revenue?



1 A. That would include shifts, pilotage inward
2 and outward, harbour shifts and detention.

3 Q. Would that include a quarantine charge?

4 A. No, because we have had no quarantine
5 charge. The only thing we have had outside regular pilot-
6 age would be detention.

7 Q. Would you continue, please?

8 A. In the year 1961, \$65,743.94; in the year
9 1960, \$76,797.79; in the year 1959, \$80,109.19; in the
10 year 1958, \$78,214.30.

11 Q. Are you able to explain to the Commission
12 the reason for this decrease in earnings?

13 A. The year 1962 would have been much higher
14 except that we didn't get the overflow of foreign draggers
15 that we would usually get. In 1961 we had a heavy ice
16 blockade and we lost out on ships in February, March,
17 April and early May. 1960 was an ordinary year. 1959,
18 being a bit better, was partly accounted for by the fact
19 that we had the American base opened there then and we
20 had quite a bit of shipping. Since then, Pepperel has
21 closed down and we have lost some. 1958 appeared to be
22 an ordinary year.

23 Q. I see a column entitled "Gross per
24 pilot." What do you mean by that?

25 A. That would be the gross earnings before
26 anything was taken out, income tax, and so on.

27 Q. Would it be the equivalent to revenues
28 for pilotage, inward and outward shifts, detention, divided
29 by the number of pilots?

30 A. That is correct.



1 Q. And the next column to the right is
2 headed "Net per Pilot." What deductions were made for
3 that?

4 A. We would have the income tax taken out,
5 \$50.00 for Provident Fund.

6 THE CHAIRMAN: Would you in the gross
7 per pilot find out whether Workmen's Compensation is in
8 that or comprises that or not?

9 MR. JACQUES: It was explained by the
10 previous witness, my lord, that this amount was taken out
11 of the three per cent surcharge.

12 THE CHAIRMAN: It is not included in that?

13 MR. JACQUES: It is not taken out of the
14 revenue consisting of pilotage inward, outward, shifts,
15 detention, quarantine.

16 Q. Have you prepared any statistics on the
17 number and tonnage of ships plying to St. John's since
18 1958?

19 A. I have. Since 1958 --

20 COMMISSIONER SMITH: Pardon me, Mr. Jacques.
21 Are you going to another phase of the examination?

22 MR. JACQUES: Yes, sir.

23 COMMISSIONER SMITH: I would like to ask
24 a question or two, if you don't mind.

25 MR. JACQUES: Very well.

26 COMMISSIONER SMITH: This witness, my
27 lord, has given some very outstanding evidence of the high
28 qualifications and high standard of the pilots in this
29 district, and along the line of what benefits they are
30 going to get when they get through performing their duties,



1 I would like to inquire a little more about this provident
2 fund, and in order to clarify it I wonder if some
3 illustration could be given, if it is possible. I know
4 there are a lot of variations in this question, but if
5 there could be some examples given. Say a pilot has been
6 in the service for a period of 30 years, paying into this
7 Provident Fund, how much would he receive on retirement?
8 I know it can't be brought down to a very fine scientific
9 figure and exact figure, but approximately how much would
10 he receive on pension at retirement?

11 THE WITNESS: For each year, once the
12 pilot is in the service for twelve months, every year in
13 June we take \$100.00, \$50.00 of which comes from the
14 St. John's Harbour and Pilotage Commission and \$50.00 from
15 each pilot. This \$100.00 is deposited in a savings
16 account and the books are held by the St. John's Harbour
17 and Pilotage Commission in our office. Every year this
18 is added; the interest is building up and the capital
19 is building up. And we have had cases where this amount
20 has built up to over \$3,000.00. In fact, one pilot went
21 out and he did have over \$5,000.00.

22 COMMISSIONER SMITH: He draws it out in
23 a lump sum?

24 THE WITNESS: Yes.

25 Q. How many years had he been in the service?

26 A. I am not sure how many years this pilot
27 had been in.

28 COMMISSIONER SMITH: So it is not a pension?

29 THE WITNESS: No, it is not a pension.

30 To the best of my knowledge, it is not registered.



1 MR. JACQUES: It is a joint savings
2 account which is turned over to the pilot when he retires
3 or to his joint heirs when he is deceased.

4 COMMISSIONER SMITH: Has there been any
5 change inaugurating a pension scheme?

6 THE WITNESS: It has come up at meetings,
7 but so far there has not been any scheme for an airtight
8 pension plan.

9 COMMISSIONER SMITH: Are the pilots
10 satisfied with the present plan?

11 THE WITNESS: I couldn't say whether they
12 are satisfied or not, but under the present conditions
13 it is about the best protection that could be made.

14 COMMISSIONER SMITH: I think that is
15 questionable. However, I won't continue with that point.

16 THE WITNESS: It is not a good setup by
17 any means.

18 COMMISSIONER SMITH: There is running
19 through the Harbour Act several references to policy
20 regulations and what has to be done under certain cir-
21 cumstances and what must not be done under certain other
22 circumstances, and there are circumstances -- I just can't
23 put my finger on one at the moment -- in the Act it says
24 that these shall be subject to so and so and treaties are
25 in effect with other countries. I would like to know
26 what the treaty obligations are applicable and in force
27 now with regard to pilotage in the district?

28 THE WITNESS: Since I went into this office
29 on the 15th of May, 1960, I have had no occasions where
30 any of these treaties have come on the carpet. The ships



1 which are exempt would be government warships, and so
2 on; although we do have certain ships which come here and
3 ask for a pilot. We have certain American ships which
4 come in and ask for a pilot. If these ships ask for
5 a pilot they get them, and if they don't ask for a pilot
6 they don't get them and they don't pay pilotage.
7

8 COMMISSIONER SMITH: The point is this,
9 that there are certain treaties with foreign countries
10 made by the federal government; some have been in force for
11 a long while and some of them extend the privilege to
12 all the countries which come under what is called Most
13 Favoured Nations Treaty, which gives them benefits along
14 the lines of the benefits which are enjoyed by the
15 Canadian registered ships, and I was wondering if there
16 were any of those that you have in mind that you could
17 mention which are in force and applicable here.

18 THE WITNESS: Well, as to the ships which
19 visit this port, we have British, Portugese, Spanish,
20 West German, Liberian, Norwegian, French, Russian, Dutch,
21 Swedish, East German, Danish, Polish, American, Irish,
22 Italian, Lebanese, Panamanian. That was for 1962, and
23 we had no occasion when any ship was exempt from any
24 pilotage. At that time there were no treaties which came
25 on the carpet.

26 Q. Now, would you file as Exhibit No. 244
27 Statement of Shipping Tonnages for the past five years?

28 A. Yes.

29
30 ---EXHIBIT NO. 244: Statement of Shipping Tonnages
for the St. John's Pilotage District
for the years 1958, 1959, 1960, 1961



1 Q. Would you explain this statement to the
2 Commission, please?

3 A. This is an account of the shipping tonnages
4 for the Port of St. John's for the years 1958 to 1952.

5 During the year 1958 we had 1,023 ships, with
6 a gross tonnage of 1,975,708 tons; net tonnage, 1,113,586
7 tons.

8 Q. Are the dues payable on gross tonnage
9 or net tonnage?

10 A. Dues are payable on net tonnage.

11 W. What sort of ships would these be?

12 A. We have cargo ships, fish factory ships,
13 trawlers, longliners, that is the heavier longliners,
14 from the Faerings and Danish coast. It is the usual
15 run of ships in the harbour, except that we get more
16 trawlers and fish-factory ships; and we also get quite a
17 few foreign water tankers.

18 Q. Would you explain what you mean by water
19 tankers?

20 A. It is just an ordinary tanker, smaller
21 than the usual tanker, and used for carrying water to the
22 Russian fleets working this area, in the North Atlantic.

23 COMMISSIONER SMITH: Do you get many oil
24 tankers?

25 THE WITNESS: Yes. I don't remember the
26 exact figure now, but we do get quite a few. But not
27 nearly as many as we would of the other type of ship.

28 Q. What is, to the best of your knowledge,
29 the largest tonnage which you have handled here in St.
30 John's?



1 A. The largest ship in 1962 was a tanker with
2 just over 17,000 gross tons.

3 Q. Do you get that type of ship very often?

4 A. Not regularly. I guess the largest --
5 we have some tankers probably 12,000 to 14,000 tons, and
6 sometimes we would get an overback here for bunkers, and
7 so on.

8 Q. Do you refer to gross or net tonnage?

9 A. I remember just the larger ones as gross
10 tonnage.

11 Q. What would be the average size of vessel
12 which plies in these waters?

13 A. The commonest cargo boat would be from
14 2,500 gross tons to 3,500 gross tons. At the present
15 time we have a boat here of 2,836, I think is her gross
16 tonnage, and there is a boat here and her gross tonnage
17 is 2,828.

18 Q. How would they compare with trawlers?

19 A. Our largest trawlers would go up to 1,700
20 gross tons, that is a beam trawler, and we have smaller
21 ones down as low as 200 gross tons. There are not too
22 many of the smaller ones; it is mostly Spanish ships
23 from the Canary Islands.

24 But most of the beam trawlers range from 1,200,
25 1,400, 1,600 gross tons.

26 Q. What is a beam trawler?

27 A. It is the kind that tows a net behind,
28 with a door on either side, and a small trawler is what
29 we refer to as a twin.

30 COMMISSIONER SMITH: Are the beam trawlers



1 all Canadian ships?

2 THE WITNESS: No, they are mostly Spanish
3 and Portugese.

4 COMMISSIONER SMITH: Are there any
5 Canadian ships?

6 THE WITNESS: We have no Canadian trawlers
7 calling at this port. The fish-factory ships go up to
8 around 3,000, just over 3,000 tons. We have three
9 British ships come here of that type; we have several
10 Russian and Polish ships that come here of that type.

11 Q. Sir, I note from Exhibit 244 that 1959
12 seems to have been a bad year. Would you explain that,
13 please?

14 A. I am afraid I couldn't tell you much about
15 1959 because I wasn't interested in the harbour too much
16 at that time, only from a Harbour Master's point of view.
17 I am not too sure. I think we did have a certain amount
18 of ice that year, and ice plays a very important part
19 with our shipping.

20 Q. And the year 1962 was slightly poorer
21 than the year 1961 and the year 1960. Would you explain
22 that?

23 A. The year 1962 -- ordinarily with the
24 foreign fishing fleets, we usually get two or three visits
25 from these ships during the hurricane season. In that
26 year we did not get the hurricanes like other years,
27 hence we did not get so many calls from the ships.

28 THE CHAIRMAN: For the record, what is
29 the hurricane season?

30 THE WITNESS: The hurricane season usually



1 starts around August and goes up to October, September,
2 October. They usually come to this port to avoid hurricanes.

3 Q. So the hurricane season would be the
4 season during which the weather is bad on the grand
5 banks?

6 A. Yes, that is correct..

7 Q. What do you call the white fleet?

8 A. The white fleet is a fleet which belongs
9 to fishermen which use the hand method. They are single-
10 handed dories.

11 Q. A dory is a boat which is carried on
12 the fishing boat?

13 A. On the larger ship, yes.

14 Q. And it is put out to sea in the water
15 and goes away from the mother ship?

16 A. That is correct.

17 Q. And they fish with a line?

18 A. That is correct.

19 Q. And the white fleet fishes with dories?

20 A. Yes. They do carry as many as 70

21 dories for one ship. But when they come in to avoid
22 a hurricane they take advantage of the stay in port to
23 replenish their supplies, water, and so on.

24 Q. How many fishing vessels would you have
25 in the harbour at the same time?

26 A. The most ships I saw in the harbour at
27 one time was 84. I think there has been more ships here
28 at one time and, another. Since I come here as Harbour
29 Master we have had as high as 84 ships in the harbour at
30 one time. These were not all fishermen. Amongst them



1 we had a German ship, the Linsador, which had damage,
2 and we had several cargo boats in at the same time.

3 Q. Can you tell the Commission whether these
4 fishermen come into the harbour towards the end, the middle
5 or the beginning of the fishing season?

6 A. We have had several of the trawlers in so
7 far this year. They had a while fishing and they came in a
8 little earlier this year than they did last, owing to the
9 ice situation; they were scared of blockade; they came
10 in probably two or three weeks ahead of ordinary, and
11 they took their fuel, and supplies and salt and so on, and
12 they got out ahead of the ice and took off for other
13 fishing grounds.

14 Q. What month was that?

15 A. I think the fishermen start coming in in
16 March; that is foreign trawlers, and they were coming
17 up to -- in fact there are two in port right now.

18 Q. Do they come in loaded or partially
19 loaded?

20 A. Sometimes they come in loaded, and they
21 just come in to take additional fuel to make the journey across
22 the Atlantic. Ships coming here right now are not
23 loaded; they are just partly full, and take supplies and
24 fuel and go out for additional fishing.

25 Q. Now, sir, have you prepared any statistics
26 showing the number of vessels and tonnage entering St.
27 John's harbour by month and by nationality for the years
28 1961 and 1962?

29 A. I have.

30 Q. Would you file the statistics for 1961,



1 showing by month and by nationality the number of vessels
2 entering and leaving St. John's harbour as Exhibit 245,
3 and as Exhibit 246 the same information for the year 1962?

4
5 ---EXHIBIT NO. 245: Statistics for 1961, showing by
6 month and by nationality the number
7 of vessels entering and leaving
8 St. John's.

9
10 ---EXHIBIT NO. 246: The statistics for 1962, showing by
11 month and by nationality the number
12 of vessels entering and leaving
13 St. John's.

14
15 THE CHAIRMAN: Are you going to be some-
16 time?

17 MR. JACQUES: Yes.

18 THE CHAIRMAN: I think we will have the re-
19 cess now.

20 ---Short recess.

21 ---On resuming.

22 BY MR. JACQUES:

23 Q. Coming back for a moment to Exhibit 243,
24 would you tell the Commission whether the scale of fees
25 has been changed during the years 1958 to 1962; if so,
26 in what year?

27 A. The scale of fees, P.C. 1957 690, May 15,
28 1957 -- would you have this?

29 Q. It is filed as Exhibit 240, my lord, yes.

30 A. To the best of my knowledge there have been
no changes in fees since then, and since I went to this
office May 15, 1960, we have had no change in pilotage
fees and the scale fees are as you have here. This is
the scale fees, the breakdown, with different tonnages,



1 with 3 per cent included, added to the total. That runs
2 from 100 tons up to the largest ship that we would get
3 here.

4 Q. This is the tabulation of the fees set
5 out in the Order in Council to which you refer?

6 A. That is right.

7 Q. Now, coming back to Exhibit 245, there is
8 a sheet showing monthly the number of vessels entering
9 the harbour, together with the gross tonnage and net
10 tonnage. Where did you get this information?

11 A. Every day I keep a daily record of ships
12 entering the port. This is my list, this is my book for
13 1963, and at the end of each month in this book I enter
14 up the date, the ships name, the agents, the gross
15 tonnage, the net tonnage, the nationality and type of
16 ship, where it could be cargo, tanker, and so on. At
17 the end of each month I take this book and I break down
18 the shipping by nationality and the tonnages for the
19 different nationalities, a copy of which is sent to
20 Ottawa. Another copy remains in the office. At the end
21 of the year I take those copies, one for each month, and
22 I break them down by nationality, by the month, and
23 shipping by the month, and this is where I arrive at this
24 figure in January, 45 ships; June, 115 ships, and so on.

25 Q. This exhibit 245 shows that in the month
26 of May you had 126 ships, and in June, 115; in September,
27 181; in October, 126, and all the other months are below
28 90. Are you able to give the reason for this sudden
29 upsurge of traffic in those four particular months?

30 A. During the months of January, February,



1 March, in this particular year, 1961 -- I will go to the
2 year 1962 because 1961 was the ice year.

3 Q. You are referring to Exhibit 246?

4 MR. LANGLOIS: Should this not be the
5 number of trips rather than the number of ships.

6 THE WITNESS: The year 1962 would give a
7 clearer picture of the shipping in the port; for the
8 month of January, 45; the month of February, 45; the
9 month of March, 35; that is fairly average; for the month
10 of April, 104. We are beginning to get the trawlers, the
11 foreign trawlers coming in; the month of May, 123. We
12 have the full force of foreign trawlers coming in; also
13 ships coming in from the lakes; in April we did get a
14 little shipping from the river, the St. Lawrence River.

15 COMMISSIONER SMITH: Any bridge aft ships
16 coming in?

17 A. We did have some; the month of June, 111.
18 We are still getting a lot of trawlers, getting some of
19 the Portugese dory fishermen; the month of July, 89;
20 it is just average, getting cargo boats and tankers, not
21 so many tankers, getting more cargo boats, and so on;
22 August, 78, which is average. In the month of September
23 we have trawlers coming back which brings the figure up
24 to 105; October we have 109; a lot of these are trawlers;
25 they have been in for supplies, fuel and from stormy
26 weather; in the month of November, 81. That consists mostly
27 of cargo and tankers, some trawlers, but not so many.
28 In the month of December we have 55; that is an average
29 figure for December month. We may possibly have only
30 very few trawlers, mostly consist of cargo boats and



1 tankers and possibly the scattered damaged ship coming in
2 for repairs.

3 BY MR. JACQUES:

4 Q. These are indicated as the number of ships; is
5 it not rather the number of trips rather than the number of
6 ships because a ship may come in twice a month. Would
7 it show on Exhibit 245 and 246 as two ships or one ship?

8 A. In some cases one ship could have entered
9 several times. The total of 990 entries do not mean to
10 say it was 990 different ships. For instance, we have the
11 Gulf Port; it could have been here five or six times that
12 year. It is not necessarily a new ship for every figure.

13 Q. Therefore it could have been X number of
14 vessels that entered St. John's harbour 990 times in 1962?

15 A. That is correct.

16 Q. At the bottom of the first sheet of Exhibit
17 246 there is the following: "387 harbour shifts and
18 56 coastal pilots". Explain that to us?

19 A. The 387 harbour shifts would consist of
20 ships in the harbour that had to make shifts for purposes
21 of possibly taking on water or anchorage or fuel, and
22 so on. In the 56 coastal pilots, these are cases where
23 we have ships coming here into the harbour to pick up
24 pilots to possibly go to Botwood, Lewisport, and so on,
25 and we class these as coastal pilots.

26 Q. Would these pilots be the same men as
27 the St. John's harbour pilots?

28 A. In the case of the 56 coastal pilots,
29 one of our St. John's pilots did go on board those ships
30 and in some cases they took charge of the ship until such



1 time as the ship was ready to leave. That may not
2 necessarily mean that she always has a pilot to go elsewhere
3 but it could have been a case where the ship came in
4 and had a sick man on board and the pilot or harbour
5 pilot went on board and directed the ship to a suitable
6 spot so as the sick person could be transferred to a
7 waiting boat and brought into port. In some cases sick
8 personnel are transferred outside instead of the ship
9 coming into the harbour.

10 Q. In these cases these ships use the
11 services of a pilot?

12 A. That is correct.

13 Q. A St. John's harbour pilot?

14 A. That is correct.

15 THE CHAIRMAN: Before you go further, may
16 I say that when I look at Exhibits 245 and 246 I see that
17 in 1962 the number of ships has decreased but on the
18 other hand the gross tonnage and the net tonnage is in-
19 creased. Would this not mean that in the last five or
20 six years there has been a tendency for an increase to
21 larger ships?

22 A. We have the largest ship; in 1962 we
23 had in just one instance one tanker which was just over
24 17,000 gross, which is the largest one we had for quite
25 a while. We also had certain other ships, and the ships
26 were larger, which gives us more tonnage and less shipping.
27 We had less shipping to give more tonnage.

28 Q. Is that the trend also in trawlers?

29 A. The trend has been for slightly larger
30 shipping.



1 Q. All across the board?

2 A. Yes, that is right.

3 BY MR. JACQUES:

4 Q. The second sheet of Exhibit 246 shows the
5 nationality and the number of vessels, the gross tonnage
6 and the net tonnage. The number of vessels would be the
7 number of entries?

8 A. That is correct, and the nationality is
9 governed by where the ship is registered and not owned.
10 In some cases some of these ships listed here as British
11 are owned in Canada but they are registered --

12 Q. Give an example of that?

13 A. An example of that would be the Mount
14 Blair. She is owned in Canada, but registered on the other
15 side. And then we have a ship called the Nelson B, owned
16 in Canada but registered on the other side.

17 MR. LANGLOIS: That is transferred to
18 Canadian registry.

19 THE WITNESS: Well, they were not....

20 BY MR. JACQUES:

21 Q. Does Exhibit 245 contain information
22 similar to that which is in Exhibit 246, which you have
23 just explained?

24 A. Yes. Exhibit 245 for 1961 is similar
25 to the records for 1962. You will notice the difference
26 in the shipping for March and April. We had only twenty-
27 four ships in March, while we had eighteen in April.
28 The ice blockade accounted for the fewer ships during
29 those two months.

30 Q. You mentioned the harbour shifts and the



1 coastal pilot. Would that be explained in ' a similar
2 manner to Exhibit 246?

3 A. That is correct.

4 In September of 1961 we had more shipping
5 than we had in September of 1962, which accounted for more
6 harbour shifts. In both cases they are similar, however
7 we had more shipping in 1961, which accounted for more
8 harbour shifts. The harbour was quite congested at the
9 time, and we had a lot of shuffling around in order to
10 make room for all these ships. That was the year we
11 had 84 ships in the harbour at one time.

12 Q. Am I right in assuming from these Exhibits
13 245 and 246 that the peak load occurs in May and September
14 of each year?

15 A. That is correct.

16 Q. Would you notice that trend in the previous
17 years also?

18 A. That has been the trend for quite a
19 while and it is caused by the foreign trawlers, mostly
20 by the foreign trawlers.

21 Q. Now, sir, are you able to tell the
22 Commission who does the despatching of pilots in St.
23 John's?

24 A. Most of the despatching of pilots is --
25 most of the piers used in St. John's harbour are privately
26 owned. We have, all the piers in this city used for
27 shipping are privately owned except in the case of the
28 American dock, and that was controlled by Murray Agencies,
29 but now Furness Whitty use/ piers for their ships that they
30 are agents for.



1 On the south side we have the piers in use over
2 there, what is known to us as the coal pier, the Imperial
3 Oil berths; Bowring Brothers berths; British American
4 berths and Great Lakes. All these berths are used quite
5 often by shipping.

6 COMMISSIONER SMITH: Has the C.N.R.
7 berths there?

8 THE WITNESS: C.N.R. has a considerable
9 amount of wharf space here, but very seldom is it used
10 by anything except C.N.R. ships. They have not got too
11 much draught up there, and as a rule they were so busy
12 that they couldn't spare it for other shipping.

13 An agent may call the berths direct, or he may
14 call the pilots direct. In cases where we have to use
15 any of the piers that are government-owned, or I could
16 say by the contractor at the present time, in cases like
17 that the agents will contact the Harbour Master's office,
18 and I will arrange a berth for the shipping and notify
19 the pilots accordingly.

20 Q. Usually do the ship owners and masters
21 get their pilots through you, or do they contact the
22 pilot station directly?

23 A. In most cases agents will contact the
24 pilot station directly. In some cases shipping outside
25 will send in a message, and sometimes it will come to
26 me, sometimes to the agents and sometimes even to the
27 pilot station, and regardless of who it comes to, we
28 contact the pilots and give them the E.T.A. for the ship,
29 and so on.

30 Q. Are there any rules or practice, or custom,



1 existing as regards the length of notice which must be
2 given, either to you or to the pilots?

3 A. No, we have a situation here, sometimes --
4 we have a ship due at the present time. He sent in his
5 E.T.A., but he said he was coming about two days ago,
6 and he is not due until tomorrow night. That is as late
7 as the E.T.A. is. In other cases we only get two or three
8 hours notice. In another case, which we call visual
9 sightings only, we have a considerable number of ships
10 come here at certain times of the year, that have been at
11 sea two months, and possibly over two months. The ship
12 will possibly come here to Newfoundland from the banks
13 or from Greenland, and in most cases they come for
14 supplies and repairs. The ships have been at sea so
15 long that their instruments in a good many cases, are
16 broken down, and they have no contact with the outside
17 world, unless with another ship, and this is visual
18 sightings. In these cases we get no E.T.A. at all. The
19 ship is just sighted, and the pilot goes to it immediately.

20 Q. How frequent is that event?

21 A. I couldn't say exactly how many a year,
22 but we do get several like it, it has no way to communicate
23 with the land, and the pilots just automatically go on
24 board by visual sighting.

25 Q. Would you hazard a guess as to the number
26 of ships which are not able to get into radio communication
27 with the shore base?

28 A. No, I think it would be hard for me to
29 hazard a guess. If one ship arrives before the others,
30 he usually reports other ships on the way, but he doesn't



1 give an E.T.A. for them. He just reports other ships
2 are on the road, and they don't have any way to communicate
3 with the shore.

4 Q. I understand there is a lighthouse at the
5 entrance to the harbour?

6 A. That is correct.

7 Q. Do you know if it is manned continually?

8 A. Yes, the Fort Amherst Lighthouse is manned
9 twenty-four hours.

10 Q. Have you ever had reports of incoming
11 ships from the lighthousekeeper?

12 A. On rare occasions I have called the
13 Fort Amherst Lighthousekeeper to get what he could see
14 from the lighthouse in the shipping line.

15 Q. Was that for any particular purpose, or
16 was this a request to do this kind of work as a rule?

17 A. That was a case where ships were expected
18 with no E.T.A., and in some cases the lighthousekeeper
19 had possibly already sighted the shipping, and could
20 give an idea of how far off it was.

21 Q. Has any thought been given to asking
22 the Department of Transport to instruct their lighthouse-
23 keepers to report all incoming traffic to the pilots
24 when they are approaching the harbour?

25 A. No. There has been some discussion in
26 the past as to having a sighting station at Fort Amherst,
27 but it has never got beyond the discussion stage, and
28 we have never requested that the Fort Amherst Lighthouse-
29 keeper do that, but lighthouse personnel will automatically
30 report in any case where shipping appears to be in trouble.



1 and so on.

2 COMMISSIONER SMITH: My lord, I would like
3 to ask a question. Maybe it is a question of policy and
4 if this witness does not have the answer we can keep it in
5 our mind for another time.

6 Do you know if there have been any representations
7 made to the federal authority to have the Harbour of
8 St. John's come under the jurisdiction of the National
9 Harbours Board?

10 THE WITNESS: No, I couldn't say that I
11 had heard of any discussion for the harbour to come under
12 the National Harbours Board. In fact, we have been wonder-
13 ing whether, if it did come under it, if it would be
14 a public harbour or not. We have heard nothing definite
15 as to whether it will be.

16 Q. In your capacity as Secretary to the
17 Commission you look after the monies collected from ships
18 as pilotage dues or harbour dues, is that correct?

19 A. That is correct.

20 Q. Do you collect the pilotage dues?

21 A. Pilotage dues are collected by the pilots
22 themselves, and twice a month the money is brought to the
23 office, and we pay the pilots from those collections.
24 The money is deposited in the Bank of Nova Scotia, and we
25 issue cheques to cover the amount due each pilot.

26 Q. Would you have any personal knowledge
27 of how the pilots collect their dues?

28 A. The pilots have invoices that they send
29 out for the shipping for services rendered, as per ships
30 or shifts.



1 Q. Who provides these invoices?
2 and

3 A. The St. John's Harbour/Pilotage Commission
4 pays for the printing of those invoices.

5 Q. Do you have a copy of these invoices
6 with you?

7 A. I am sorry, I wouldn't. I don't know
8 if the Secretary of the Pilot's Committee may have one.

9 Q. Would you bring a copy please tomorrow?

10 A. I could do.

11 Q. Does anyone check that the amount of dues
12 turned over to you corresponds to the number of ships
13 which have entered the harbour?

14 A. For every ship that comes in the harbour
15 a card is filled out by the pilots.

16 Q. I show you a pink card. Would it be the
17 card to which you refer?

18 A. That is correct. This is the card that
19 is filled out for the shipping as they enter the harbor
20 and the information on the back refers to the pilotage
21 and ships, and so on.

22 Q. Would you file this card as Exhibit 247
23 please?

24 A. Yes.

25 ---EXHIBIT NO. 247: Pilot's source card.

26
27 COMMISSIONER SMITH: Is that what they
28 call a source card?

29 MR. JACQUES: I understand, sir, that it
30 is the equivalent of the Departmental source form?



1 Q. Would you tell the Commission what
2 information is contained on the face of this card?

3 A. This pilotage certificate is to certify
4 that pilotage inwards, steamship so and so, outwards,
5 steamship so and so, tons, from, and it is usually signed
6 by the masters, St. John's, Newfoundland, and the date.

7 Q. What do you mean, from? From what?

8 A. From sea or from harbour.

9 Q. And it is signed by the Master?

10 A. Yes.

11 Q. Is it dated?

12 A. It is dated St. John's, Newfoundland, and
13 a space for the date.

14 Q. Is this card, once it is filled out, turned
15 over to you?

16 A. This card is brought to the office,
17 usually twice a month, usually around the middle and the
18 last of each month.

19 Q. With the monies collected by pilots?

20 A. With the money to back up the tonnage of
21 the ships.

22 Q. Does anyone check to see that the number
23 of cards that you are handed corresponds to the number of
24 jobs actually done?

25 A. Yes, we have a list of shipping in
26 this book to correspond with the cards as they come in.

27 Q. When you say this book, what sort of book
28 do you mean?

29 A. The daily shipping report book which
30 I referred to some time ago, where a record of all shipping



1 entering the port is kept.

2 Q. Which you yourself keep?

3 A. That is correct.

4 Q. And what do you do with this money?

5 A. It is deposited in the Bank of Nova
6 Scotia, the main branch, and 3 per cent for the St. John's
7 Harbour and Pilotage Commission is taken out, and the
8 remainder is divided equally amongst all pilots, and we
9 issue cheques accordingly. Practically every ship coming
10 into this harbour has an agent. We have different agents
11 around the harbour, like there is, beginning at the east
12 end, Furness Withy, A. Harvey and Company, Harvey Steam-
13 ships, Blue Peter Steamship, Barnes Brothers, Wyatts,
14 and so on.

15 COMMISSIONER SMITH: Would these foreign
16 trawlers, and others, have agents here?

17 A. Yes, they would have agents. The invoices
18 are taken to the agents to collect the pilotage due, or
19 shifts due on those ships. In no case would an agent,
20 as a rule, pay pilotage twice. We have only had one
21 occasion for a long while where there has been an over-
22 payment, and that was an error in the agent's office,
23 and had no connection with anyone in the pilots or the
24 Harbour Master's office, and it was just one of those
25 things that will happen sometimes, and it was corrected
26 afterwards and it was only an error of a very few dollars.

27 COMMISSIONER RENWICK: Could I ask if
28 the charges are verified through Lloyd's Registry?

29 THE WITNESS: Yes sir, except that certain
30 ships, such as East German and Russian ships are not in



1 Lloyd's Register, and in cases like that we get the tonnages
2 from the Customs Collector.

3 Q. Has any thought ever been given to having
4 these pilotage certificates consecutively numbered?

5 A. No, we have never given any thought to
6 that.

7 Q. Has any thought ever been given to re-
8 questing the masters and the pilots to insert the time
9 boarding and the time off ship on these cards?

10 A. No, the time of ship arriving is usually
11 kept in the pilot's diary, also by the launch man's
12 report. The launch men who take the pilots to and from
13 ships make a notation in their daily log of the times when
14 they take the pilot off or put him on a ship.

15 Q. I believe that you said that you had
16 a file on Workmen's Compensation?

17 A. That is right.

18 Q. Have you got this file?

19 A. Yes sir. This is the file of our Workmen's
20 Compensation, which includes bills that have been paid
21 for the insurance of the pilots, also a record of accidents
22 of which there have been few, and this is the last invoice
23 we paid, which was this past winter, March 5, 1963,
24 the assessment for eight pilots was \$995.58.

25 COMMISSIONER SMITH: Covering what period?

26 THE WITNESS: That covered Workmen's
27 Compensation for eight pilots.

28 Q. You mentioned accidents a while ago.
29 What sort of accidents were they? Were they occurring on
30 ships, ashore, or on the pilot boat?



1 A. The accidents we had, in each case it was
2 pilots boarding or leaving a ship.

3 Q. Don't mention any names, please, but I
4 would like to know the circumstances of the accident, if
5 it can be provided from the reports in the file?

6 A. There is a case here of an accident --

7 Q. On what date?

8 A. February 16, 1962. This man fell from the
9 side of the ship back into the pilot boat, but there was
10 no serious injuries. We have another case here, December
11 14, 1961. I have another one here, November 30, 1961.
12 This is a case where a pilot fell against the rail on
13 the forward part of the pilot boat, after disembarking from
14 a ship. It was rough at the time, and he fell against
15 the guard rail on the pilot boat after disembarking from
16 a ship.

17 There is a case here, December 14, 1961, Both
18 feet and ankles injured. That was a case of an accident
19 happening while climbing the pilot ladder boarding trawler.
20 Pilot boat rose on swell and crushed both feet against
21 the side of the ship.

22 Q. How long was that man laid up?

23 A. Approximately six weeks.

24 COMMISSIONERSMITH: How much compensation
25 did he get?

26 A. I have not got the figures here, sir,
27 on the Workmen's Compensation that he would receive.

28 Q. We would have to ask the man how much
29 he received?

30 A. That is correct.



1 Q. Have you made up a table of the benefits
2 paid under Workmen's Compensation?

3 A. No, I haven't got that information.

4 THE CHAIRMAN: This is a provincial board
5 is it?

6 MR. JACQUES: Yes my lord.

7 THE CHAIRMAN: Do we have later on any
8 evidence as to who is paying for that?

9 MR. JACQUES: We have had evidence as to
10 who is paying it my lord, and this is the Commission,
11 out of the 3 per cent surcharge which is levied against
12 shipping?

13 Q. Does your file reveal the status of
14 pilots as regards the Commission for Workmen's Compensation?

15 A. A description of the industry is pilotage
16 of ships, including the operation of a pilot boat in or
17 around the waters adjacent to St. John's and all work
18 incidental thereto.

19 THE CHAIRMAN: This is in the Workmen's
20 Compensation law, is it?

21 MR. JACQUES: No sir. This is a statement
22 of what is supposed to be a fact.

23 THE WITNESS: Their adjusted rate would be
24 \$2.75, and a provisional rate of \$3.00.

25 Q. Does it show, or does it state, in
26 any of these documents, whether pilots are considered
27 to be employees of the Commission for purposes of
28 Workmen's Compensation?

29 A. To the best of my knowledge, sir, they
30 are employees of the St. John's Harbour and Pilotage



1 Commission for Workmen's Compensation records.

2 Q. In the returns which you file with the
3 Workmen's Compensation Board, are they so described by
4 you?

5 A. St. John's Harbour and Pilotage Commission
6 is listed as an employer, St. John's Harbour and Pilotage
7 Commission.

8 COMMISSIONER SMITH: Excuse me a minute.
9 Just how do they arrive at that designation? The St.
10 John's Harbour and Pilotage Commission doesn't employ
11 them.

12 THE WITNESS: I guess their method of
13 arriving at that is that the pilots would have to have
14 an employer to be insured.

15 COMMISSIONER SMITH: Perhaps that is
16 falsifying the designation.

17 THE WITNESS: The employer's name has
18 always gone in as the St. John's Harbour and Pilotage
19 Commission.

20 THE CHAIRMAN: Mr. Jacques, could we have
21 a copy of the Act which would help on that question?

22 MR. JACQUES: Yes, my lord.

23 Q. How long have pilots been under workmen's
24 compensation?

25 A. They were under it before I went into this
26 office, but I can't remember how long before that.

27 Q. Would you file such information?

28 A. It goes beyond this file.

29 Q. Would you be kind enough to endeavour
30 to obtain that information, please?



1 A. I will do that.

2 Q. Now, I believe you said that you also
3 had a file of the income tax?

4 A. That is correct.

5 Q. Have you brought that file with you?

6 A. Yes, sir. This is the file for income
7 tax for different pilots, and these are the T-4 slips
8 as they were issued.

9 THE CHAIRMAN: So you are issuing T-4
10 slips?

11 THE WITNESS: That is correct.

12 THE CHAIRMAN: The same as though they
13 were employees of the Commission?

14 THE WITNESS: Yes, we issue the T-4 slips
15 at the end of the year to each pilot.

16 Q. You do the deducting from the earnings
17 yourself, do you?

18 A. That is correct.

19 Q. Do you know when the system was first
20 started? Would your file reveal such information?

21 A. This is the first I have. This goes to
22 1958.

23 Q. Would your file or any other which you
24 may have reveal how these arrangements were made for
25 you to deduct income tax from the earnings as though the
26 pilots were employees?

27 A. I am afraid I don't have that information.
28 When I went to the office it was the thing for income
29 tax to be deducted at the scale for each pilot, and they
30 have continued that same system since, and at the end of



1 the year we issue T-4 slips.

2 Q. In your file how are pilots described?
3 As private contractors or as employees of the Commission?

4 A. They are described as employees of the
5 St. John's Harbour and Pilotage Commission.

6 COMMISSIONER SMITH: Are they described
7 as self-employed?

8 Q. Would you check your file for that,
9 please?

10 A. Name and address of employer: St. John's
11 Harbour and Pilotage Commission, Post Office Box 5924,
12 St. John's, Newfoundland.

13 Q. And you are reading from a copy of the T-4
14 form for 1961?

15 A. 1961, that is correct.

16 Q. The fifth copy. Now, on the left-hand
17 side of this document would you tell the Commission what
18 information is given, the top left-hand side of that
19 T-4 slip?

20 A. It gives the name of the employee and --

21 Q. Let's not say "employee". It gives the
22 name of what type of person?

23 A. It gives the name of a pilot.

24 Q. And on the right-hand side of that form
25 what information is given?

26 A. Name and address of employer, St. John's
27 Harbour and Pilotage Commission, P.O. Box 5924, St. John's,
28 Newfoundland.

29 THE CHAIRMAN: In any event, for income
30 tax purposes, whether only for convenience or for some other



1 reason, it is as though they were employees.

2 Q. In the bottom section of that T-4 slip
3 it shows what information?

4 A. It shows the exemptions, the months employed-

5 Q. What exemptions?

6 A. The exemptions per person. Possibly one
7 man would be exempted for \$3,000.00.

8 THE CHAIRMAN: Individual exemptions?

9 THE WITNESS: Individual exemptions.

10 Q. In order that this information be recorded
11 on the T-4 slip, am I right that the pilots have to fill
12 in a form which is called TD.1 form?

13 A. This form is filled in and sent to the
14 office and we get our information there to make the
15 deductions.

16 Q. When you say sent to the office, you mean
17 your office?

18 A. The Harbour Master's office.

19 Q. And this TD.1 form is an employee's ded-
20 uction declaration?

21 A. That is correct.

22 Q. Would you continue, please, with the
23 bottom section of the T-4 slip?

24 A. On the bottom section of the T-4 slip
25 we have exemptions, months employed, salary or wages
26 before deductions, deductions for registered pension
27 fund is entered here, although to the best of my knowledge
28 this is not a registered pension fund. We know it as
29 a provident fund. Then there is the amount of income
30 tax deducted per person.



1 THE CHAIRMAN: And is the amount paid by
2 the Commission out of its own funds added there as an
3 income?

4 THE WITNESS: The amount paid by the
5 Commission, income tax has been deducted from it.

6 Q. The \$50.00 which is paid by the pilots
7 is included in the total revenue as shown on the T-4 slip?

8 A. That is correct.

9 Q. The \$50.00 which is paid by the Commission
10 is shown as a deduction for registered pension plan on
11 the same T-4 slip?

12 A. That is correct. But that item has been
13 taken out by the income tax people. We have had
14 correspondence on it between our office and the income
15 tax people, and they have never yet clarified what the
16 final outcome will be of the provident fund with regards
17 to income tax, and so on.

18 Q. Is this question still pending or has it
19 been settled?

20 A. It has never been settled.

21 Q. Are you still negotiating with the income
22 tax people on this point?

23 A. We are still negotiating with them, and
24 the last letter, the last correspondence was possibly
25 three months ago, on this question of the provident fund.

26 THE CHAIRMAN: It is a question of reg-
27 istration of the plan?

28 MR. JACQUES: Oh, someone should register
29 it and have done with it.

30 THE CHAIRMAN: I don't think we should do



1 any more to-night. Are you through with income tax?

2 MR. JACQUES: Yes.

3 THE CHAIRMAN: So we will adjourn until
4 tomorrow morning at 10:00 A.M.

5
6 ---Whereupon at 5:00 P.M. the hearing adjourned until
7 10:00 A.M. April 30th, 1963.

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

ST. JOHN'S

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Court House,
St. John's Newfoundland, on
the 30th day of April, 1963.

COMMISSION

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. F.S. Morissette	Asst. Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques

Mr. Leopold Langlois, Q.C.	For the Canadian Merchant Service Guild and for the St. John's Pilots' Committee.
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Also Present:

Capt. J. S. Scott, Nautical Advisor
to the Commission.



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1 ---On resuming at 10:00 A.M. April 30th, 1963.

2

3 HENRY WILLIAM STONE, (continued)

4 DIRECT EXAMINATION BY MR. JACQUES: (continued)

5 Q. Before we go on with your examination
6 I should like to come back to two points. The first one
7 has to do with accidents which happen to pilots on the
8 pilot boat on boarding or disembarking from any vessel.
9 Yesterday you mentioned three, I believe?

10 A. That is correct.

11 Q. That is in what period of time, or in
12 how many years did that take place? With your lordship's
13 permission I should like to interrupt the evidence given
14 by Captain Stone in order to file the only copy of
15 financial statements of the Botwood Pilotage Authority
16 which comes from the file of Witness Evans who gave
17 evidence yesterday. I should like to file this document
18 now in order to save him from coming up to Corner Brook
19 from the pilotage district.

20 THE CHAIRMAN: All right; give a des-
21 cription of it.

22 MR.JACQUES: Financial Statement for
23 the Pilotage Authority for the Port of Botwood from May,
24 1958 to February, 1959, and May 1959 to January, 1960
25 and from February, 1960 to February, 1961. I should like
26 to file this document as Exhibit 248.

27

28 ---EXHIBIT NO. 248: Financial Statement for the
29 Pilotage Authority of the Port
30 of Botwood from May, 1958 to
February, 1959, May 1959 to January
1960 and from February, 1960 to
February, 1961.



1 If there is no objection I should just like
2 to file this document now instead of recalling Mr. Evans.

3 Q. Yes, would you answer my question now?

4 A. Since I joined the Harbour Master's office
5 in May, 1960, we have had only three accidents, and those
6 are the three I mentioned yesterday.

7 Q. Prior to 1960 do your records show any
8 accidents?

9 A. Prior to 1960 I do know of one accident
10 but I have not those records here at present.

11 Q. Now, as regards disciplinary matters.
12 You said that you had one case where the licence was with-
13 drawn; is that not right?

14 A. That is correct.

15 Q. Exactly when was the licence withdrawn?
16 I do not believe you mentioned the month or the year
17 yesterday?

18 A. I have that information here. This is
19 dated July 3, 1961 and it is a letter sent to the party
20 in question, and reads as follows:

21 "At a special meeting of the St. John's
22 Harbour and Pilotage Commission it was
23 the unanimous decision of the three
24 Commissioners that your licence as a
25 pilot for the Port of St. John's will
26 not be renewed when the current suspension
27 period ends on the 30th of June, and
28 your services as a pilot for the district
29 of St. John's are terminated herewith."

30 Q. Now, you were asked to supply more in-



1 formation as regards Workmen's Compensation. Have you
2 made inquiries and searched your files in this regard?

3 A. I have further information on this sub-
4 ject. The St. John's Harbour Pilots became insured with
5 Workmen's Compensation on December 9, 1955. Pilots are
6 insured while on duty doing any work in connection with
7 pilotage. Pilots are also covered for pilotage on any
8 ship outside the district where payments come under the
9 jurisdiction of the St. John Harbour and Pilotage
10 Commission.

11 COMMISSIONER SMITH: I am interested
12 in those words "doing any work in connection with
13 pilotage". Does that include everything?

14 A. That would include collection of bills
15 coming to the office for payment, any work in connection
16 with pilotage.

17 Q. But not pilotage itself?

18 MR. JACQUES: I am sorry; there is noise
19 outside.

20 COMMISSIONER SMITH: Not pilotage itself.

21 MR. JACQUES: Not only pilotage itself,
22 but it would cover pilotage.

23 COMMISSIONER SMITH: I understand that.
24 What I am trying to get at is this: does it cover
25 pilotage as well as the other work, clerical and office
26 and everything else?

27 THE WITNESS: Yes, sir; it is my under-
28 standing of Workmen's Compensation that it is anything
29 in connection with pilotage, which would be boarding the
30 ship, leaving the ship, collecting bills coming to the



1 office for payment and so on.

2 COMMISSIONER RENWICK: Do I understand
3 that it applies outside the district as well?

4 A. Outside the district when the payment
5 for such work would come under the jurisdiction of the
6 St. John's Harbour and Pilotage Commission.

7 BY MR. JACQUES:

8 Q. Would you give us an example of such work
9 that would come under the jurisdiction of the St. John's
10 Harbour and Pilotage Commission but would be performed
11 outside the district?

12 A. Only in cases where a pilot went on a ship
13 outside the district; very few cases where the payment
14 as such would come under the St. John's Harbour and
15 Pilotage Commission.

16 Q. Would it cover the case of a pilot who
17 is taken out to sea against his will?

18 A. That would cover it.

19 Q. Not against his will but taken out to
20 sea owing to stress of weather?

21 A. Yes, a pilot would be covered in such
22 circumstances.

23 Q. Until such time as he returned to the
24 district?

25 A. That is correct.

26 Q. I see you have got with you examples
27 of invoices which are sent to ships' agents. Would you
28 file this as Exhibit 249. It is a formal invoice sub-
29 mitted ships and agents for pilotage.

30



1 ---EXHIBIT NO. 249: Example of invoices sent to
2 ships' agents.

3 To the best of your knowledge, apart from the
4 provident fund, is there any welfare plan in existence
5 for pilots?

6 A. Not to my knowledge would there be any
7 other plan for any welfare for pilotage except the provident
8 fund.

9 Q. Would you be able to tell the Commission
10 anything further about this provident fund, how it started,
11 who had the idea and what was its original purpose?

12 A. Quite a while ago, before I came to this
13 office, there had been discussions held on a type of
14 pension plan or something for pilots, for when pilots
15 retired, and so on. There never was any firm pension
16 plan agreement arrived at, and then to take the place of
17 a pension plan this provident fund was started, and it
18 was agreed that the Commission would deposit \$50.00 and
19 each pilot would deposit \$50.00 once a year in a savings
20 account, and bank books would be held in the office of
21 the St. John's Harbour and Pilotage Commission, and the
22 account was carried in the Newfoundland Savings Bank,
23 now a branch of the Bank of Montreal.

24 THE CHAIRMAN: Is interest paid by the
25 bank on these savings?

26 A. The money is deposited in a savings
27 account and the interest builds up every year.

28 Q. Three per cent or what?

29 A. Three per cent or two and three-quarter
30 per cent, whatever the case may be. In other words, it



1 is just a regular savings account.

2 BY MR. JACQUES:

3 Q. Have you ever been approached, or has
4 the Commission ever been approached by the pilots to
5 increase the amount which is deposited in that account
6 every year?

7 A. No, not since I came into this office
8 have we been approached to increase this amount.

9 Q. Since you have come to the office have
10 you had occasion to pay out this money to any pilot?

11 A. I have on two occasions.

12 Q. Would you describe them, please?

13 A. We had one captain, one pilot who retired.
14 He had reached the age of retirement, and when he retired
15 we had a form filled in releasing the St. John's Harbour
16 and Pilotage Commission of any responsibility for the
17 book, and the book was then turned over to him intact
18 and the money was then his for his own use. On the other
19 occasion, in the case where the pilot was suspended,
20 the book was also turned over to him and he signed the
21 necessary documents releasing the St. John's Harbour
22 Pilotage Commission from the custody of the book.

23 Q. Now, sir, in your capacity do you have
24 anything to do with the vacations, leaves of absence
25 and sick leave of pilots?

26 A. Regular leave, annual leave, is
27 usually arranged amongst the pilots themselves, and they
28 usually arrange to suit all concerned. When pilots are
29 going outside the province the office is informed
30 accordingly.



1 Q. Do you have any say in how many pilots
2 should go on vacation at one time?

3 A. Well, it is an understood thing that just
4 one pilot is away at a time.

5 Q. It has always been like that since you
6 have been in office?

7 A. Always has been.

8 Q. The times of vacation are chosen by the
9 pilots among themselves?

10 A. That is correct.

11 Q. Do they advise you of their vacation?

12 A. Yes, I am usually advised of vacations,
13 and especially when they are going outside the province.

14 Q. Do you have anything to do with any
15 other sort of leave?

16 A. There is no other. In the case of sick
17 leave, well, it is just one of those things. In the case
18 of a pilot laid up owing to an accident, I do not think
19 we have had any case of sickness outside the accidents
20 and in those cases the pilot in question was off duty for
21 a period determined by the length of illness and a doctor's
22 report.

23 COMMISSIONER RENWICK: How long is the
24 annual leave?

25 A. Two weeks.

26 Q. You said that the pilots must advise you
27 when they go out of the province. If any pilot were, for
28 instance, to take a ship up to Botwood or Lewisporte or
29 Corner Brook as a coastal pilot, would he advise you?

30 A. Not necessarily. In most cases when a



1 pilot goes outside the district it is when he is off
2 duty and the trips are usually short. In such a case,
3 if the pilot did not get back in time to go on duty, when
4 the time came up he would have arrangements made for another
5 pilot to be put in so the station was always fully manned.

6 Q. Now, sir, I should like to refer to your
7 by-laws, and particularly to Section 4 of Exhibit 240,
8 which appears on Page 41 of the exhibit. It has to do
9 with master pilots. Is this system still in existence?
10 Is this system of naming of the two master pilots still
11 in existence?

12 A. This system is still in existence, and
13 the master pilots are appointed each year by the pilots
14 themselves.

15 Q. Do they advise you every year of the
16 appointments they make?

17 A. We are advised. The office is advised
18 who the master pilots are as they are appointed.

19 Q. And among their duties they are to rep=
20 resent collectively and individually the other pilots
21 during the course of any negotiations which may take place
22 between the Commission and the pilots. Have they so
23 acted?

24 A. Ordinarily the pilots have a pilots'
25 committe, and when any negotiations take place they are
26 usually handled by the pilots' committee; the master
27 pilots control the pilotage in the station and the master
28 pilots are responsible for pay, and so on, and toward the
29 middle and the end of each month the master pilots are
30 responsible for money collected and bringing it to the



1 office and balance out moneys with the cards, shipping,
2 and so on, and payment is made, and the master pilots
3 distribute the cheques to the people concerned.

4 Q. Are the master pilots members of the
5 pilot's committee?

6 A. Not necessarily. I am not sure off
7 hand if they are at present or not. Although I have the
8 name of the committee I can't remember off hand if they
9 are or not at present.

10 Q. How long has this pilots' committee been
11 in existence?

12 A. It was in existence at the time I came
13 to this office.

14 Q. Have you any knowledge of when it was
15 created?

16 A. No, I am not sure when it was created.

17 Q. During your term of office has the
18 Commission ever been requested to increase or decrease
19 the number of pilots on duty on the force?

20 A. No, in case where a pilot left the pilotage
21 for any reason, we did receive a letter saying that the
22 remaining pilots figured that the number of pilots then
23 on hand was sufficient for the work.

24 Q. So the pilots advised you that there were
25 sufficient pilots for the work?

26 A. That is correct.

27 Q. Let me go back to Workmen's Compensation.

28 As regards the three instances which you mentioned yesterday,
29 to the best of your knowledge do you know whether the
30 Workmen's Compensation Board took action against the ship



1 owners involved in that accident?

2 A. To the best of my knowledge the
3 Workmen's Compensation did not take action against anyone
4 for those accidents.

5 MR. JACQUES: Would you file as Exhibit
6 250 your Annual Report for the year 1962, which includes
7 1960 and 1961.

8 THE WITNESS: Yes.

9
10 ---EXHIBIT NO. 250: Annual Report for the year
11 1962.

12 MR. LANGLOIS: My lord, before I go ahead
13 with the few questions I have to ask the witness, in
14 order to clarify this coverage with the Workmen's Com-
15 pensation Board, I have here the original letter which
16 was addressed to the St. John's Pilotage Commission,
17 care of Captain Frampton, Harbour Master, 308 Marshall
18 Building, Water Street, St. John's, Newfoundland, and it
19 read: "Dear Sir, pursuant to our recent telephone
20 conversation I enclose our form No. 240C
21 in duplicate, copy of which is to be com-
22 pleted and returned to us. In completing
23 this form would you please bear in mind that
24 coverage of your pilots and so forth has
25 already been instituted by this Board as of
26 3:30 P.M., December 9, 1955. We also con-
27 firm that this coverage includes all the
28 employees of your Commission, and that
29 the provisional rate for 1955 is \$2.75 per
30 \$100.00 payable.



1 Informative literature regarding Work-
2 men's Compensation is included.

3 Yours truly,

4 G.T. Brown
5 Assessment Officer"

6 To this letter was attached a pamphlet entitled
7 The Workmen's Compensation Act, Newfoundland. Information
8 for Employers. Also attached was another document,
9 entitled The Workmen's Compensation Act Newfoundland,
10 Part 1, Information for Workmen.

11 I don't know whether we could get this
12 photographed for the record?

13 MR. JACQUES: This is a letter addressed
14 to the Commission. How come you have it?

15 I have no objection.

16 MR. LANGLOIS: It was in our file.

17 THE CHAIRMAN: The Secretary will see that
18 it is photographed and returned to you.

19
20 ---EXHIBIT NO. 251: Copy of letter and attached
21 documents.

22 CROSS-EXAMINATION BY MR. LANGLOIS:

23 Q. A while ago you mentioned the formation
24 of this Pilots' Committee. Do you know at whose suggestion
25 this Committee was formed?

26 A. No, I am afraid I don't, because the
27 Pilots' Committee came up long before I came to this office.
28 Possibly it could have been by the Commission before
29 1960, or possibly it could have been by the Harbour
30 Master, or by the pilots themselves.



1 Q. I take it that this Committee was formed
2 before your time?

3 A. That is correct.

4 Q. You mentioned a case of suspension of
5 a licence. Would you please inform the Commission as to
6 the exact procedure that was followed in that case?

7 A. The party in question, before I came to
8 the office, had been brought before the Commission on a
9 charge of drinking on duty. The party in question also
10 repeated this procedure and it came to the stage where
11 something had to be done about it. Then on December 30,
12 1960 a letter was addressed to the Pilots' Committee
13 at Queen's Wharf, St. John's, which reads as follows:

14 "The St. John's Harbour and Pilotage
15 Commission requests the Pilots' Committee
16 or pilots to meet with them in the Harbour
17 Master's office at 3:00 P.M. to-day, December
18 30, 1960, as they wish to discuss your
19 letters of December 20, 1960 and December 27,
20 1960".

21 Q. So am I to understand that this man was
22 first called before the Commission to answer a charge of
23 drunkenness? He was called before the Commission before
24 1960. Do you have any record of what took place then?
25 What was the decision of the Board?

26 A. I believe I have that here. September 9,
27 1958. It was agreed to carry out the general business
28 and have the minutes of June 25th meeting for approval.
29 Consideration of the case of the pilot in question was
30 tabled. He was called before the meeting and personally



1 admonished by the Chairman. He admitted alcoholism, and
2 absence from duty at the times in question. He was
3 formally warned that any recurrence of an offence of this
4 nature would result in the withdrawal of his pilot's
5 licence. The Chairman ordered that it be recorded in the
6 minutes.

7 Q. Am I to understand that there was a second
8 offence for which he was called before the Commission?

9 A. That is correct, but I am afraid I couldn't
10 find a record of it.

11 Q. Now, there was a third offence?

12 A. That is correct.

13 Q. And was he called before the Commission
14 at that time?

15 A. On this particular case of December 29,
16 1960 an emergency meeting was called, and the minutes read
17 as follows:

18 "Owing to this being an emergency meeting
19 to deal with two letters received from the
20 Harbour pilots, no agenda has been pre-
21 pared.

22 After a short discussion it was agreed
23 that the licence of the pilot in question
24 should be held for future consideration, and
25 a meeting be held on December 30, 1960 at
26 3:00 P.M., when the Pilots' Committee would
27 be asked to attend.

28 Meeting adjourned at 4:45 P.M."

29 December 30, 1960. A meeting of the members of
30 the St. John's Harbour and Pilotage Commission. General



1 discussion over letters received from pilots. Extracts
2 from minutes and letters read re party's actions in the
3 past. Also extracts read from letters sent to Party by
4 Pilots. General discussion, after which Commission wished
5 to know if pilots were satisfied that pilot be suspended
6 for six months without pay and after that the matter be
7 reviewed again to see if pilots satisfied to take him
8 back.

9 At this point, 3:45, P.M., Pilots' Committee
10 returned to pilot station. At 4:05 P.M. Pilots advised
11 by telephone that they had had a short meeting, and con-
12 sidered. Five pilots didn't wish to consider him anymore.
13 Four considered suspension for six months, after which
14 reconsider as to re-employment.

15 The Commission then agreed to six months sus-
16 pension beginning January 1, 1961.

17 Meeting adjourned at 4:15 P.M.

18 Q. And at a later date his licence was can-
19 celled. Is that a fact?

20 A. Then a letter was sent to the party in
21 question, and it reads as follows:

22 "Dated January 10, 1961

23 Extracts from minutes of meeting held
24 by the St. John's Harbour and Pilotage
25 Commission at Harbour Master's office
26 on December 30, 1960 at 3:00 P.M.

27 Actions of pilot in question brought
28 before the Commission by pilots, and in
29 view of circumstances the Commission
30 decided to suspend the pilot from pilotage



1 service for a period of six months
2 without pay, beginning January 1, 1961.
3 After that period the matter to be re-
4 viewed again."

5 Q. Would your records show as to whether or
6 not the pilot was called before the Commission before
7 this letter was sent out to him?

8 A. No, he wasn't called before the Commission.

9 Q. Do you know if at any time during these
10 various inquiries, or investigations, into the incident
11 the pilot was represented by counsel?

12 A. No, not to my knowledge.

13 Q. Now, yesterday the operation of the pilot
14 boat was described by you. Would you please tell the
15 Commission what took place exactly when the pilot boat
16 was taken over by the Department of Transport, as far
17 as outstanding debts or accounts at the time?

18 A. The pilot boats were sold to the Department
19 of Transport for one dollar each, the bills of sale for
20 which I have here. I don't remember the date at present.

21 At that time launch men and deck hands were
22 appointed to run the pilot boats, and their work was to
23 deliver pilots to and from ships, or any work in
24 connection with the pilotage where pilots had to be
25 carried in boats in the St. John's Pilotage District.

26 Q. Well, at the time of the taking over of
27 the pilot boats by D.O.T., were there any outstanding
28 accounts in the operation of the vessels?

29 A. There was outstanding accounts. I just
30 forget the amount of them now, and there were arrangements



1 made where certain parties in St. John's who were owed
2 money on the operation of the pilot boats before then,
3 for these bills to be paid, and later the St. John's
4 Harbour and Pilotage Commission was reimbursed up to a
5 certain amount for bills paid.

6 Q. Reimbursed by whom?

7 A. Department of Transport, Ottawa.

8 MR. JACQUES: The witness Evans said \$263.00
9 yesterday.

10 Q. Now, was there not some repairs necessary
11 to the engine of one of the boats after they were taken
12 over?

13 A. I am not positive of what repairs were
14 done, but I know there was repairs carried out on the
15 pilot boats after they were taken over by the Department
16 of Transport.

17 Q. I understand that there was some money
18 left over from this 5 per cent which was deducted for
19 the pilot boats operation?

20 A. That is correct.

21 Q. What was the amount in this account at
22 the time of the taking over of the vessels?

23 A. I have that here. I will find that now.
24 At a meeting of St. John's Harbour and Pilotage Commission
25 on the 22nd August, 1960 at 1500 hours an extract from the
26 minutes reads as follows: The Harbour Commission was
27 unanimous in their views that pilots should be reimbursed
28 5 per cent of the reserve fund which was collected March
29 31, 1960, when a remittance is received covering advance
30 made by the Commission to the Department of Transport.



1 Q. Was the reimbursement made to the pilots?

2 MR. LANGLOIS: My lord, probably I could
3 suggest if the witness could look up this information and
4 supply it at a later stage.

5 Q. I just wanted to know how much money was
6 left in this reserve fund when the vessels were taken over
7 and whether this money was reimbursed to the pilots.

8 A. Yes --

9 MR.JACQUES: My lord, this question should
10 have been asked when the witness was here with all these
11 statements.

12 THE CHAIRMAN: Perhaps the witness could
13 be recalled.

14 MR. JACQUES: I am not able to have him
15 recalled this morning, my lord; he is away working.

16 THE CHAIRMAN: We will make a note of the
17 question, and if this witness cannot answer it we will
18 see that the other witness comes here with the information.

19 MR. LANGLOIS: My lord, in reply to the
20 reproach I got from my learned friend, I only got this
21 information last evening.

22 THE WITNESS: I have the information,
23 but not knowing the date it was paid out, I can't say.
24 But I have the information somewhere in the files. 5
25 per cent reserve fund, to be clarified, \$425.30. Now, on
26 this date, Monday, August 22, 1960, a meeting to be
27 held in the Harbour Master's office at 3:00 P.M., and this
28 is on the agenda. Pilots have requested verbally that they
29 be paid back 5 per cent collected since March 31st. This
30 amounts to \$425.30. That is \$43.13 each for 9 pilots, and



1 \$57.10 for Captain Collins. That would be his proportionate
2 share owing to not being in the service, being the last
3 to join the pilotage station.

4 Q. Now, would you provide or would you get
5 somebody else to provide the information at a later stage
6 as to whether or not this money was reimbursed to the
7 pilots?

8 A. This money was reimbursed to the pilots
9 after we received from Ottawa money to replace what was
10 paid out to local firms for bills owed.

11 MR. LANGLOIS: Probably, my lord, at a
12 later stage the witness could be recalled.

13 MR. JACQUES: We will try to reach him tomorrow
14 morning. But perhaps the pilots could tell us now if
15 they received it. If they haven't received it, perhaps
16 we will start an investigation as to why they haven't
17 received it.

18 MR. LANGLOIS: I will check this.

19 Q. Now, have you ever received any complaints
20 from the pilots regarding the lower tonnages reported
21 by ships using your pilotage service?

22 A. I don't remember exactly, but I do
23 know on some occasions I have had to check pilotage on
24 certain ships, and in those cases, when I couldn't find
25 out through Lloyd's Register of Shipping or the supplements,
26 I went to the agents or to customs, and usually the
27 customs collector would have the tonnage of any ships
28 where there was a question of doubt, and I always went
29 by the information supplied by him when I couldn't get
30 it anywhere else.



1 Q. Have you ever found any difference in the
2 tonnage reported by the master as compared to that in
3 Lloyd's Register?

4 A. Yes. I don't remember the name of the
5 ship, but I do remember there were occasions when the
6 tonnage of the ship reported by the Master wasn't as it
7 should be. One occasion was a tug. We classed her as
8 a ship with no net tonnage, and she entered, her pilotage
9 was paid under this clause of a ship of no tonnage, and
10 I think there is a flat rate of \$30.00 or \$40.00. In
11 that case, on investigating the figures for this ship,
12 I found that her deductions were greater than the measure-
13 ment of the ship, which would leave the ship with a
14 vacuum.

15 Q. Now, yesterday mention was made that
16 on occasions ships with damaged instruments on board,
17 communication set, would have to signal the request for
18 pilotage services visually. Does that happen very often?

19 A. It doesn't happen very often. It happens.
20 As soon as the ship is sighted a pilot boat automatically
21 takes off to the ship.

22 Q. Mention was made by Mr. Jacques of the
23 possibility of using Fort Amherst to relay the messages
24 from ships requiring pilotage services. Is Fort Amherst
25 a reporting station?

26 A. Fort Amherst is not, to the best of my
27 knowledge, a reporting station. But the lighthouse at
28 Fort Amherst has been very co-operative, and if we call
29 the lighthouse it gives whatever information it can supply,
30 and at the pilot station it is the same thing.



1 Q. Has it occurred that pilots have either to
2 proceed outside pilotage district or have to be taken out-
3 side the pilotage district in order to board or disembark
4 from their vessels?

5 A. It is possible that some ships, not having
6 correct charts of the district, may not want to come within
7 the two miles. In some cases I have sent messages to
8 ships outside not wanting to come in, and I have sent
9 messages to those ships that it was safe to come in
10 within the two-mile limit where a pilot would board them.

11 Q. Now, mention was made yesterday -- I
12 don't know if I got this right or wrong -- of pilots being
13 asked to go out to disembark injured people. Am I to
14 understand that sometimes the vessel does not come into
15 the harbour, the pilot boat is merely sent out to take
16 the injured man in? Is that correct?

17 A. That is correct.

18 Q. ^W_{TAT} What happens in a case like that? Do you
19 charge for pilotage?

20 A. In a case like that the pilot would go
21 out, he will go on board the ship and direct the ship
22 to the safest place for transferring the patient or what-
23 ever is necessary, and half pilotage, what is known as
24 half pilotage is charged for this operation.

25 Q. Do you have a rate in the by-laws for that?

26 A. The rate is just taken from the regular
27 pilotage rate; it is just taken as half pilotage.

28 Q. Is there any charge made for the services
29 of the pilot boat?

30 A. There is a \$10.00 charge made for the



1 services of the pilot boat.

2 Q. Which is the regular charge?

3 A. Which is the standard charge.

4 THE CHAIRMAN: But I understand that the
5 half rate is not provided in the by-laws which you charge
6 in a case like that.

7 THE WITNESS: No, but it is a thing where
8 the procedure has been carried on long before I came to
9 the office. I just don't know when it originated, but
10 I know since I have been there it has been standard
11 practice, and it was going on before I came there.

12 COMMISSIONER RENWICK: Do you happen to
13 know, Captain, if this is standard practice in other
14 parts of the world?

15 THE WITNESS: I have heard of it being done
16 in other parts of the world, but I am not too familiar.
17 I have heard of it being done, but I am not too familiar
18 with it altogether.

19 Q. Is that a frequent occurrence, that you
20 have to send a pilot boat to take injured people off a
21 ship?

22 A. Yes, owing to our geographical position,
23 we do get quite a lot of requests to pick up personnel
24 and get charts, and so on, and the pilot will go out and
25 carry out the necessary work.

26 Q. On an average, how many cases of that
27 would you have in any given year?

28 A. Now, I am afraid I couldn't say off-hand
29 how many, but we have had quite a few.

30 Q. Now, about this despatching of pilots,



1 I understand that you have a watchman on duty 24 hours
2 a day?

3 A. That is right; there are four pilots
4 on station at all times.

5 Q. Who does the actual despatching?

6 A. In most cases the despatching, if a ship's
7 agent at the port has a ship arriving or making a harbour
8 shift, if it is going to the private piers, the ship's
9 agent will automatically make arrangements with the people
10 who own this pier and he will instruct the pilot according-
11 ly as to the movement. If it is required, he will
12 contact the Harbour Master and he will govern his move-
13 ments accordingly.

14 Q. Now, have you been asked by the pilots
15 as to improvements to aids to navigation in this harbour?

16 A. It has been discussed at several times,
17 improvements to the aids. Before I came there I believe
18 there was quite a bit of discussion about leading lights,
19 which have been installed. There was also some discussion
20 on several entrance buoys in the harbour, port and
21 starboard buoys. Those lights have now been improved;
22 they now have coloured lights on them, too. But those
23 have been handled by the main agents office and have only
24 been discussed verbally with that office.

25 Q. Have you any knowledge of representations
26 made by pilots regarding the removal of obstructions in
27 this harbour?

28 A. I am not sure of the exact date, but
29 I wrote Mr. Jones, Superintendent of Pilotage in Ottawa,
30 some day when work wasn't too plentiful, and I discussed



1 several items with him in this letter, which included
2 the obstructions in the harbour. Before that I had been
3 discussing the same thing with the pilots at the pilot
4 station, and on several occasions after that I had dis-
5 cussed with pilots, skindivers, ship's agents, and so on,
6 trying to locate and pinpoint the positions of different
7 obstructions in the harbour. That has been developed
8 to the stage now where we have been informed by the
9 Department of Public Works that those obstructions in
10 the harbour are to be removed.

11 Q. Now, does it happen the pilots have to
12 charge detention in the execution of their functions?

13 A. On certain occasions there is a detention
14 charge, not too often. But in some cases a ship will call
15 the pilot and it is not ready to sail. In those cases
16 detention is charged.

17 Q. I notice that a pink form was filed
18 yesterday and it was called a pilotage certificate.

19 MR. JACQUES: Filed as Exhibit 247.

20 Q. Yes, filed as Exhibit 247. There is no
21 space on the bottom of that form to record the time that
22 the pilot goes on board, the time the pilot leaves the
23 ship.

24 Then, how is the detention time computed?
25 Did they have this form, or is a special certificate ob-
26 tained from the Master?

27 A. Well, in those cases the launchman kept
28 a record of the time when the pilot boat leaves and arrives,
29 and the pilots would for their own benefit I imagine, keep
30 a record of the time they went on board the ship and the



1 time the ship sailed, for detention purposes.

2 Q. They would record it in this pink form?

3 A. No; I guess it was an oversight. There was
4 no space put on the cards for detention, and the cards
5 that were there before I came to this office also had no
6 space for detention.

7 Q. Would he obtain a certificate from the
8 Master of the actual time that he was delayed on board
9 ship?

10 A. That I could not say.

11 RE-EXAMINATION BY MR. JACQUES:

12 Q. Was there ever any stoppage of work by
13 pilots here?

14 A. Not to my knowledge have I ever heard
15 of any stoppage of work by pilots.

16 Q. Do your records show out of what funds
17 the actual pilot boat which was sold to the government
18 for \$1.00 were paid; who paid for those boats?

19 A. The Department of Transport -- originally?

20 Q. Yes?

21 A. Originally the St. John's Harbour and
22 Pilotage Commission paid for the boats.

23 Q. Can you tell out of what sums those boats
24 were bought?

25 A. Not being in the office at that time
26 and only having glanced through the records a way back
27 I found any profits that had been made by the St. John's
28 Harbour and Pilotage Commission on their operation were
29 used to buy and maintain pilot boats. At one time a
30 new pilot boat was required and the Pilotage Commission



1 didn't have the money to replace the boat, and a loan of
2 \$5,000.00 was obtained from the Newfoundland Government
3 to pay for a new boat.

4 Q. So actually the pilot boats were not bought
5 out of any funds which belonged to the pilots, any funds
6 made up of the scale fees?

7 A. I came to this office in 1960; for a short
8 time after I came there there was 15 per cent collected
9 for maintenance and replacement of pilotage boats and
10 that had been in effect at least back for several years;
11 I am afraid I could not talk on it with any degree
12 of accuracy because I was not too familiar with the setup
13 at that time.

14 COMMISSIONER SMITH: Was that 15 per cent
15 taken off the pilotage dues?

16 THE WITNESS: The 15 per cent was added
17 to the pilotage dues.

18 Q. Added on to them?

19 A. Added, a surcharge of 15 per cent and
20 then 5 per cent came into the thing as well. I am not
21 too familiar with the 5 per cent, but it was explained
22 yesterday by Mr. Evans.

23 BY MR. LANGLOIS:

24 Q. 15 per cent on what?

25 A. If it cost a ship \$100.00 pilotage, the
26 15 per cent surcharge was added on which made it \$115.00.

27 MR. JACQUES: That is all, thank you.

28 Have the Commissioners any questions.

29 THE CHAIRMAN: No questions.

30 MR. JACQUES: The witness keeps a daily



1 shipping report, and has done so for at least three years.
2 This record was explained yesterday in court. It contains
3 an indication of the type of ships calling at St. John's,
4 and I would like to reserve my right to ask him to
5 extract from this document a number of the various types
6 of ships which call at St. John's, and this information
7 could be passed on to my learned friend.

8 The witness retired.

9
10 MAURICE G. DEVINE, sworn

11
12 THE CHAIRMAN: May I have the name of
13 the witness, please?

14 MR. JACQUES: Mr. Devine.

15 BY MR. JACQUES:

16 Q. What is your occupation?

17 A. Manager of Furness Withy & Co. Ltd.
18 St. John's.

19 Q. How long have you been manager of that
20 company, sir?

21 A. Four months.

22 Q. Previous to that what was your occupation?

23 A. I worked in the various departments of
24 the company. My last employment was in the agency department
25 of Furness Withy & Co.

26 Q. Altogether, how long have you been working
27 with this company?

28 A. Thirty-four years.

29 Q. Thirty-four years; have you always been
30 employed in St. John's, Newfoundland?



1 A. That is right, yes.

2 Q. And I understand that this company operates
3 ships, and also acts as agents for other ships plying
4 to St. John's?

5 A. That is correct.

6 Q. What type of ships do you look after?

7 A. Well, principally we have at present
8 three cargo type freighters of about 4,000 gross tons,
9 and they would come here approximately every two weeks,
10 which would give approximately say 70 entrances during
11 the year.

12 Q. Do those ships pay and take pilots?

13 A. Oh, yes.

14 Q. Regularly?

15 A. Regularly, yes.

16 Q. As far as you are concerned have you
17 found that the pilotage, the actual setup, is satisfactory?

18 A. It is, yes.

19 Q. Do you consider that in St. John's
20 harbour pilotage is merely an aid to navigation or is
21 necessary for the safety of shipping?

22 A. Well, I think it is generally accepted
23 that in a port where compulsory pilotage is paid that
24 the Master actually never gives over control of the ship,
25 but the pilots are used principally in an advisory
26 measure in relation to their knowledge of that particular
27 port.

28 Q. Do you consider that St. John's harbour
29 is such a harbour that all ships coming here must have
30 a pilot aboard?



1 A. Well, I would certainly think that ships
2 of any size should have a pilot. I would say in that
3 respect any ship over probably 5 or 6 hundred tons should
4 have and use a pilot.

5 Q. Have any of your ships ever had any
6 difficulties during the peak season when all these
7 trawlers are here?

8 A. You mean with regard to berthing?

9 A. With regard to berthing, manoeuvring
10 in the harbour?

11 A. Well, of course, in relation to our
12 own ships, that is the Furness Line ships, we have at
13 present our own piers for them, so naturally we would not
14 be, we would not utilize those particular piers for trawlers;
15 the trawlers are principally on the other side of the
16 harbour, and everybody at peak periods does have a
17 considerable amount of, shall we say, manoeuvring around
18 to try and please everybody. There is fuel to be taken
19 and water; they have to move to make room for other
20 ships and it is quite brisk when it is going on, you know.

21 Q. Do your four ships always have the same
22 Masters on board?

23 A. Well, it is three at present.

24 Q. Three?

25 A. Yes. Well, outside of maybe a Master
26 taking a trip off for a month and remaining home, but
27 then he usually comes out again. Those Masters have been
28 quite familiar with the Port of St. John's, the majority
29 of them.

30 Q. Have they ever requested that they



1 be exempted from taking pilots?

2 A. Oh, no, no.

3 Q. They have never made any comments in
4 that regard?

5 A. No.

6 COMMISSIONER SMITH: Are your ships engaged
7 mainly in the coastal trade?

8 THE WITNESS: Well, sir, Liverpool is
9 their home port. From Liverpool they come to St. John's
10 and then to Halifax and to Boston. They turn around at
11 Boston and go back to Halifax and St. John's and go
12 over to Liverpool. The round trip takes usually about
13 35 days.

14 Q. As far as your company is concerned,
15 have you any comments to offer on the basis of pilotage
16 dues, or the basis of the scale fees on net tonnage?

17 A. Well, I have compared fees, the existing
18 rates here with the Maritime rates; that is, Saint
19 John, New Brunswick, Halifax and Sydney, and there does
20 not appear to be too much in the difference in those
21 ports, I would not say, not enough to make it contentious.
22 As a matter of fact, I think Saint John, New Brunswick
23 rates are based on draught and are a little higher than
24 St. John's, Halifax and Sydney. Actually the rates here
25 do not appear to be out of line.

26 Q. For the service rendered?

27 A. For the service rendered. Again I do
28 realize, of course, that when a pilot is possibly
29 operating out of Saint John or Halifax, well, the
30 operating shift in those two ports does take considerably



1 more time than it would in such a small harbour as St.

2 John's.

3 MR. JACQUES: I think that is all, sir.

4

5 CROSS-EXAMINATION BY MR. LANGLOIS:

6 Q. I have just one question to clarify one
7 of the answers which you gave. You mentioned ships of
8 5,000 tons. Are you referring to dead weight, gross
9 tonnage or what?

10 A. Gross tonnage, that would be about 1800
11 net.

12 MR. LANGLOIS: Thank you.

13

14 ---Witness retired.

15

16 STATEMENT OF THE ST. JOHN'S HARBOUR
17 AND PILOTAGE COMMISSION

17

18 Appearance: JAMES CARLTON GRIEVE, sworn

19

20 DIRECT EXAMINATION BY MR. JACQUES:

21 Q. What is your full name and age, please?

22 A. James Carlton Grieve.

23 Q. What is your occupation?

24 A. Age 55; in relation to --

25 Q. Generally speaking?

26 A. Oh, I am a director of a shipping concern.

27 Q. A shipping concern; speak towards the

28 Commissioners, please?

29 A. Yes.

30 Q. Director of a shipping concern. I under-



1 stand you are also Chairman of the St. John's Port and
2 Harbour Commission?

3 A. I am.

4 Q. And as such pilotage comes under your
5 jurisdiction?

6 A.. It does insofar as covered by our
7 Act.

8 Q. Insofar as covered by your Act; therefore
9 you would know pilotage from two angles, the angle of
10 the ship owner and also the angle of the Commission?

11 A. I think I do, yes.

12 Q. Now, sir, we shall need a little lesson
13 on history here in St. John's. Would you care to tell
14 the Commission how you came about to be Chairman of the
15 local Commission?

16 A. Well, I was appointed a commissioner in
17 1954. At that time there were two other commissioners
18 and another chairman. One of the commissioners resigned,
19 the previous Chairman died, and there was a period of
20 about a year when there was only one. In the meantime
21 the Harbour Master died. There was one commissioner
22 and one acting harbour master; two other commissioners
23 were appointed by the Governor General in Council and
24 in 1955 I became the Chairman.

25 Q. The Act, which is Act No. 1 of 1946,
26 does not provide for the election of a Chairman. It
27 states that the Commissioner for Public Utilities would
28 be the Chairman. Would you have any knowledge of how
29 this change came about?

30 A. That change, my lord, came about subsequent to



1 Confederation. Prior to Confederation that Act and that
2 Section of the Act was adhered to in full. There was a
3 Commissioner for Public Utilities under our previous
4 Responsible Government. After Confederation that office
5 ceased. The St. John's Harbour and Pilotage Commission
6 continued under the terms of Union. I think there were
7 some reservations as to its operation, but they were never
8 made quite clear, and there being no Commissioner for
9 Public Utilities, this existing Commission, as I remember,
10 I was not a member, but looking back, elected its own
11 Chairman, because there had to be one.

12 Q. And this practice has been followed ever
13 since?

14 A. That practice has been followed ever
15 since, based on the principle of the immediate period
16 after Confederation.

17 Q. Were any comments ever made by the federal
18 authorities on this procedure?

19 A. I can't recollect, my lord, that there
20 was ever any specific comment on that procedure. I
21 would rather think that, subject to checking with the
22 proper people, that they were rather glad that there was
23 such a small group, and it did have itself organized.

24 Q. Now sir we shall refer to your brief,
25 if we may, which we should file as Exhibit 252.

26
27 ---EXHIBIT NO. 252: Submission of the St. John's
28 Harbour and Pilotage Commission .

29 Q. Would you care to comment, and amplify
30 your brief?



1 A. Well my lord, I would like to, if I may,
2 make some comments as an introduction to this brief, which
3 are not set forth in the preamble. These are more of
4 a historical background than a practical one up to a
5 point.

6 The whole purpose of this brief and the method
7 in which it was worded was to endeavour to bring out the
8 fact that the Commission is not happy with, not the
9 pilotage setup in the port, there is nothing wrong with
10 the pilotage setup. It is just unhappy with the Commission's
11 position, inasmuch as it can't do what it feels it should
12 be able to do for the pilots and pilotage.

13 I would like to record, sir, that the St.
14 John's Harbour Pilotage Service and the St. John's Harbour
15 Pilotage Commission are both quite old, and there is
16 a great deal of tradition behind it. It is a way of life
17 here. I might say that I doubt if there are many other
18 Commissions of this nature with pilotage and pilots
19 attached to them who have such a trouble-free operation
20 as we have had. Certainly since I joined the Commission,
21 and to the best of my knowledge long before that.

22 I would like to emphasize that we as a
23 Commission and the pilots as a service have tradition in
24 our way of life which we would like to improve upon.

25 Is there anything specific, my lord, that you
26 would like amplified?

27 Q. I should like you to amplify the second
28 paragraph on Page 3 of your Brief concerning job evaluation,
29 which perhaps should be done by a comparison with the
30 situation of pilots in other Canadian ports?



1 A. Well my lord this has reference to certain
2 correspondence, visits by Captain Russell Jones of the
3 Pilotage Section in D.O.T. and Captain Slocombe, dis-
4 cussions with the Commission, and discussions with the
5 pilots, basically in relation to the status of the pilots
6 if they were taken over under Part 6 and became civil
7 servants.

8 To the best of my knowledge the basis on which
9 the pilots would be taken over in relation to basic pay
10 was considerably less than that pertaining to pilots in other
11 ports operating under Part 6 and the civil service setup.

12 COMMISSIONER SMITH: Of course, as I under-
13 stand it, under part 6 if they were taken over they wouldn't
14 become civil servants.

15 THE WITNESS: They wouldn't become civil
16 servants?

17 COMMISSIONER SMITH: That is my under-
18 standing.

19 MR. JACQUES: Not necessarily.

20 THE WITNESS: Not necessarily, but it was
21 suggested that that would be part and parcel of the take-
22 over. This paragraph was put in to promote this question,
23 if I might put it that way, because there was a considerable
24 discrepancy. I have not got the actual figures, but I am
25 certain that the Pilots' Committee themselves have got
26 that, because it was discussed with them, and it was done
27 on a job evaluation, as the Commission understands it,
28 and we have always been puzzled as to what the basis of
29 the evaluation was as a comparison between a master mariner
30 in St. John's and one in Halifax.



1 Q. Have you ever had an official offer, or
2 any offer, from the Department of Transport to put the
3 Pilotage District of St. John's under Part 6 of the
4 Canada Shipping Act? Were you ever approached in that
5 respect?

6 A. Well, I don't know if we should use the
7 term approached, my lord, but the matter has been discussed,
8 and many letters have been exchanged on just what would
9 be the outcome if Part 6 were proclaimed. I think every
10 phase of the possible development was covered, and there
11 were some things that we couldn't see eye to eye with
12 here, nor could the Pilots' Committee and in turn in
13 Ottawa. I think they began to see a few problems that
14 they would have to face, and nothing has ever been decided.
15 There has been a lot of indecision, and we are still in
16 that position.

17 Q. Would you give an example of some of the
18 problems on which you didn't see eye to eye with the
19 Department of Transport in Ottawa?

20 A. Well, the main was one on what basis would
21 the pilots be remunerated, and were they going to become
22 civil servants, and if so on what would their basic pay
23 be based? Would they, or would they not be then entitled
24 to full pension considerations? There were not problems
25 as far as the actual piloting services were concerned.

26 COMMISSIONER SMITH: Were the pilots ever
27 questioned as to what they would think about being made
28 civil servants?

29 THE WITNESS: Do you mean by the Commission?

30 COMMISSIONER SMITH: Or by Ottawa?



1 THE WITNESS: To the best of my recollection
2 it was never put in that way to the Commission, but we
3 had several meetings with the Superintendent of Pilots,
4 and what transpired there I can only imagine.

5 COMMISSIONER SMITH: Perhaps I had better
6 ask that question when the pilots are on the stand.

7 Q. You are familiar, I take it, with the
8 system of exemptions here in St. John's?

9 A. I am familiar as covered by our by-laws
10 and regulations.

11 Q. These exemptions do not exempt foreign
12 fishing vessels, do they?

13 A. They do not.

14 Q. Would you, as Chairman of the Commission,
15 view favourably an exemption for these foreign fishermen?

16 A. No my lord, I would not regard it favour-
17 ably.

18 Q. Why?

19 A. Primarily because were there exemptions
20 for these fleets, you would on occasion have as high as
21 60, 70, 80 vessels all trying to get into this port at
22 one time, or in great groups, trying to beat each other
23 to the available berths, and there would just be nothing
24 but chaos in the harbour, and an extremely hazardous
25 condition.

26 The secondary thing would be if you deprived
27 this port, or deprive the pilotage services of the revenue
28 from these foreign fleets, what is going to be the pick
29 up of the deficit in revenue to support the service?

30 COMMISSIONER SMITH: Well, without



1 arguing the point with you on whether you are right or
2 wrong, in order to meet your proposal there would have
3 to be an amendment to the Canada Shipping Act, in my
4 judgment.

5 THE WITNESS: That is my understanding,
6 but I haven't taken any legal advice on it. But the most
7 important point would be the sheer danger and hazard, not
8 only to the foreign shipping itself, but any shipping which
9 was in the port, or the premises at which these people
10 try to berth.

11 Q. I understand that your Commission is
12 also a dock owner in St. John's?

13 A. We own a pier on the south side.

14 Q. If you knew that these foreign fishermen
15 came in without pilots, would you allow them to use your
16 dock?

17 A. I would say no, my lord, excepting if
18 it was some absolute emergency, and you couldn't stop
19 the man coming alongside. If I knew that none of these
20 vessels had pilots we would just hang out a sign "Do
21 not park", because we would not have a pier left inside
22 of a month.

23 Q. And it would be difficult to sue the
24 party at fault, would it not?

25 A. Well, I presume that there is machinery
26 set up for it, but after all, one does not want to spend
27 one's life suing foreign fishermen.

28 Q. I should like you to explain why so many
29 fishermen come all at the same time into St. John's
30 Harbour?



1 A. Well, as mentioned by the Harbour Master
2 yesterday, we do have a fairly concentrated visitation
3 normally during the month of May, what is known as the
4 white fleet, which come in here for bait, provisions,
5 fuel, et cetera, before proceeding to Greenland. They
6 are the Portugese hand line fleet. I believe they total
7 something over sixty vessels now, and they usually come
8 in one big group, because when they move to Greenland
9 they move in a group. That is the spring visitation,
10 and in between, and sometimes with the white fleet, you
11 will get X number of foreign trawlers, or draggers coming
12 in, and the port is quite busy.

13 The heaviest concentrations, given normal
14 weather conditions and normal hurricanes, start to build
15 up in sessions between the beginning of September to
16 October, and I believe the record number, I think the
17 pilots could correct me, but I think the record number of
18 vessels here in shipping fleets was something over 84,
19 and that is a lot of shipping in a small port.

20 Q. I understand that some types of boats
21 have no anchors. Would you have any knowledge of that?

22 A. I believe he is referring to the Spanish
23 pairs. These are vessels which operate in pairs, and
24 fish with the net between the vessels, as opposed to the
25 beam trawler, which drags on one side or the other.
26 Normally one vessel has a fishing master and the other
27 has a sailing master, and I assume that the fishing
28 masters are so dependent on the sailing masters that they
29 won't even leave each other alone to move in the port.
30 They come in, and I wouldn't say that all of them have



1 no method of anchoring, but a great number of them have,
2 and they just have to keep moving around in the port until
3 somebody will give them space to go in, and they could
4 be quite a hazard if they had no pilots controlling them.

5 Q. Are you familiar with the terms of
6 marine insurance policies?

7 A. Oh, generally speaking, yes. We do a
8 lot of insurance.

9 Q. Is there an aspect which would incline
10 Portuguese fishermen to come into St. John's harbour, from
11 an insurance point of view?

12 A Yes, this applies specifically to what
13 is termed the white fleet, which is the dory fishermen.
14 They have a national insurance scheme, with some con-
15 tribution by vessel owners, and when these vessels get
16 deeply laden in the fall and during the hurricane season,
17 they are encouraged to run for shelter in order to prevent
18 damage, and during the time they are in port there is
19 some daily contribution to the maintenance, the upkeep of
20 the vessel, and also to the payment of the crew. The idea
21 mainly is not that these boats couldn't ride out this
22 bad weather, because they certainly can, because they
23 are fine sea boats, but the only means of lifesaving
24 is the individual dories, which the individual man has
25 to get into if the ship sinks. If fishing was incomplete,
26 and they got all their dories and all their fishing
27 gear swept away, they couldn't complete the voyage.

28 Secondly, if all the dories were swept away
29 they would have no method of lifesaving. It is the
30 human element and the monetary factor from the underwriters'



1 point of view.

2 Q. So that forces these ships to come in
3 regularly once a year?

4 A. That is a contributing factor, and I have
5 no doubt the crews themselves have something to do with
6 it.

7 Q. You have been in office since 1954 I
8 believe, and Workmen's Compensation came into effect in
9 1955. Do you recall the negotiations which took place
10 at that time in that respect?

11 A. I don't recall the actual negotiations,
12 my lord, but it stemmed from the fact that it was felt,
13 and without looking up records I can't recollect this was
14 prompted initially by the pilots, or whether it was
15 something which developed by general thinking of all
16 parties, the actual negotiations, or the dealings with
17 the Compensation Board was carried out by the Harbour
18 Master at that time, and I don't think that there was
19 too much negotiation. I think it was a matter of the
20 problem being laid before the Workmen's Compensation
21 people, and they were quite co-operative and found a
22 door through which they could fit this particular problem.
23 Prior to that, of course, there was absolutely no pro-
24 tection for pilots. There never had been, and it may
25 seem strange, it took about six years to find an answer,
26 but it did after Confederation.

27 THE CHAIRMAN: You could see why. It
28 is a difficult problem to bring them under the Act.

29 THE WITNESS: I think, my lord, at the
30 time that we had a succession of changes in the Workmen's



1 Compensation personnel, and it was not until several years
2 that one man was there long enough to be able to sit down
3 and work something out.

4 Q. Has your Commission ever studied the
5 possibility of the liability of the pilots for damages
6 in the course of their employment, damage resulting from
7 collision, drowning, or hitting wharves? Has this aspect
8 ever been studied?

9 A. It has never been studied in great detail.
10 The Commission has always felt that damage to any wharf,
11 collision in a port, is a normal hazard of manoeuvring
12 in port. It happens all over the place, and most ships
13 carry the necessary liability, and very rarely is the
F 14 pilot held liable, nor the Commission.

15 Q. But to the best of your knowledge, no
16 pilot was ever held liable for hitting a pier or any
17 damage?

18 A. Not in my term as a Commissioner. Whether
19 it ever happened before, I couldn't say.

20 Q. Have you anything further to add to your
21 brief or any other comments which you would like to make
22 to the Commission? Please feel free to do so?

23 A. My lord, might I ask if some time during
24 the afternoon I could be recalled. There are some points
25 that I would like to make, if I may.

26 THE CHAIRMAN: Yes. Do you have any questions,
27 Mr. Langlois?

28 MR. LANGLOIS: If the witness is coming back
29 this afternoon, I could wait until then with my questions.

30 THE CHAIRMAN: Very well, we will proceed then



1 with cross-examination.

2 MR. JACQUES: I wish we wouldn't use the term
3 "cross-examination." I think it puts everyone ill at ease.
4 We should say further examination.

5 THE CHAIRMAN: We will adjourn for a few
6 minutes.

7 ---Short recess.

8
9 JOHN JOSEPH WHELAN, sworn

10 DIRECT EXAMINATION BY MR. JACQUES:

11 Q. What is your full name, sir?

12 A. John Joseph Whelan.

13 Q. And your age, sir?

14 A. Seventy-five.

15 Q. And what is your occupation?

16 A. I am retired.

17 Q. You are retired. You were a master mariner?

18 A. I was a master mariner.

19 Q. You are a member of the Commission, the
20 St. John's Harbour and Pilotage Commission, are you not?

21 A. That is correct.

22 Q. What experience have you had as a master
23 mariner?

24 A. Well, I was a master mariner for some
25 thirty years. A great deal of it was in sailing vessels
26 and the balance in steam.

27 Q. And as such, as a master mariner, have
28 you become familiar with the Port of St. John's?

29 A. Yes. I sailed out of the port.

30 Q. For how many years?



1 A. I must have sailed around about 20 years.

2 Q. And I believe that during the war you were
3 in the Royal Canadian Navy, were you not?

4 A. That is right, I was.

5 Q. And you were stationed here in St. John's?

6 A. Yes, my lord.

7 Q. In what capacity did you act here in St.
8 John's during the war?

9 A. I was in charge of the fleet property
10 that the Navy had based at Newfoundland. That included
11 Botwood, Belle Island and St. John's, Bay Bulls.

12 Q. And I believe that you were also a member
13 of a Committee which investigated collisions and casualties
14 occurring to naval crafts?

15 A. Yes; I was Chairman of that committee.

16 Q. What was its exact name, do you recall?

17 A. Collision Investigating Committee.

18 Q. Was that operating here in St. John's?

19 A. Yes, it operated in St. John's during the
20 term the Navy sailed out.

21 Q. Would you care to tell the Commission your
22 views based on previous experience on the necessity and the
23 work of pilots here in St. John's?

24 A. The civilian pilots?

25 Q. Yes.

26 A. My views of the pilots are that we have
27 probably a better than average breed of pilots here, and
28 we as a Commission have very little trouble. They perform
29 their duties, they are on duty when they are required,
30 and they are always in service when they are wanted.



1 Q. Would you consider, in view of your vast
2 experience, that pilots are necessary for the safety of
3 shipping in the harbour?

4 A. I would say that they are necessary for
5 the safety of the ship in the harbour, and for safety to
6 wharves. I would definitely say that.

7 Q. Thank you, sir. Would you like to add
8 anything to what you have said?

9 A. I would like to add this, that when the
10 Navy was based here, and this was a base, collisions and
11 confusion with regard to ships entering and berthing
12 reached the stage where the Navy had to appoint, the
13 Captain of the Port had to appoint pilots, docking pilots;
14 and because of the fact that a lot of the men who manned
15 some of the Navy ships were not altogether familiar with
16 the technique of docking, we had considerable damage
17 to ships docking and considerable damage to piers. All
18 the piers at that time here were locally owned, and we
19 had considerable trouble. Those pilots came under me,
20 and I was in charge of the Investigating Committee.
21 We had to meet on several occasions. The Committee com-
22 prised a master mariner, an engineer, a shipwright and
23 an electrician, and we investigated collisions, reports
24 from the Master involved, and valued the repairs, and if
25 the repairs were effected here, whether to a wharf or
26 to a ship, they came under our supervision.

27 MR. JACQUES: Thank you, sir. Any
28 questions?

29
30 CROSS-EXAMINATION BY MR. LANGLOIS:



1 Q. Only a few questions, Captain Whelan.

2 Is it your opinion that pilots are a necessity
3 for ships using this port?

4 A. I would say yes. I would like to add to
5 that. We were lacking tugs here as well. There are no
6 tugs, only one small tug.

7 Q. What is her horsepower?

8 A. Her horsepower is 400. They have little
9 or no damage in docking, and they also have to dock in
10 bad weather without the tug, so it brings extra strain
11 on the pilot.

12 Q. You referred to Naval pilots during the
13 war?

14 A. Yes.

15 Q. Were they not called docking masters?

16 A. No, we didn't call them docking masters;
17 we called them harbour pilots, Naval pilots.

18 Q. I understand that their function was to
19 dock ships, not to pilot ships into the harbour?

20 A. Sometimes they went out, yes, and brought
21 them in, on some occasions, not always. They boarded
22 them at the Narrows, and they shifted them in the harbour
23 if they had to be shifted. Of course, they were mostly
24 dead ships when they were shifted.

25 Q. Do I understand that their prime function
26 was to assist skippers of the Naval vessels docking
27 their vessels?

28 A. Yes.

29 Q. Now, you had this group of naval pilots
30 because you were short of civilian pilots. Is that not



1 the case?

2 A. No. The civilian pilots were hard
3 pressed at that time. We often had as high as over a
4 quarter of a million tons of shipping at that time, docked
5 three and four deep in the centre of the harbour, and
6 the pilots were just not available, for the number of
7 Naval ships we had entering and leaving here.

8 Q. I understand that the civilian pilots
9 were busy enough with the merchant ships?

10 A. Yes; they didn't have any time.

11 MR. LANGLOIS: Thank you very much,
12 Captain.

13 BY COMMISSIONER SMITH:

14 Q. Just one question. Captain, have there
15 been any recent requests from the Commission to the
16 Federal Authority to have the Harbour of St. John's
17 come under the National Harbours Board?

18 A. I heard something about it, but I don't
19 think there was a request. I heard about it, and I
20 heard a reason given for it; they were contemplating a
21 National Harbour somewhere else in the country.

22 Q. As a matter of fact, there have been some
23 requests in the past to have this harbour come under the
24 National Harbours Board?

25 A. Yes.

26 Q. But have there been any recent requests?

27 A. No, since I have been a member of the
28 Commission I can't remember when there was a request.

29 Q. And that was how many years ago?

30 A. That was in 1955.



1 MR. JACQUES: Thank you, sir.

2 My lord, I have been most fortunate in uncovering
3 a witness who came to St. John's Harbour on a ship without
4 a pilot and who at that time was a complete stranger to
5 the harbour. I wonder if we should hear him on the
6 navigational difficulties which he encountered. However,
7 I hesitate to call him because that is for Mr. Langlois,
8 and I wouldn't want to place him in a position of giving
9 evidence against his own clients.

10 MR. LANGLOIS: It was the hardest job that
11 I have ever been called upon to perform, my lord.

12 MR. JACQUES: Captain Bugden, please.
13 And I might say that he is building bridge-aft ships, too.

14
15 LLOYD EVELYN BUGDEN, sworn

16 DIRECT EXAMINATION BY MR. JACQUES:

17 Q. What is your full name, sir?

18 A. Lloyd Evelyn Bugden.

19 Q. And your age, please?

20 A. 31.

21 Q. What is your occupation?

22 A. Master Mariner.

23 Q. In whose employ are you?

24 A. The Federal Department of Transport.

25 Q. In what capacity?

26 A. Examiner of the Masters and Mates, and
27 I also have the responsibility of looking after the pilot
28 boats.

29 Q. The pilot boats here in St. John's?

30 A. Yes.



1 Q. How long have you been looking after
2 these pilot boats?

3 A. Just over two years.

4 Q. Would you be able to tell the Commission
5 the costs of operating these boats since they have been
6 under your charge?

7 A. I have a summary here for one year, if
8 I could read it out. I have some spare copies.

9 Q. This statement was prepared by you?

10 A. That is right, sir.

11 Q. And where did you obtain the information
12 to prepare that statement?

13 A. I kept account of all expenses, all
14 expenditures connected with the pilot boats, such as
15 repairs and supplies. The boat dues are paid from Ottawa,
16 and I receive the cheques and distribute them to the men,
17 and therefore I have an account of their salaries.

18 Q. Would you file this document as Exhibit
19 No.?

20 THE SECRETARY: 253.

21 Q. 253, being a summary of expenses for
22 pilot boats in St. John's Harbour from January 1st, 1962,
23 to December 31, 1962?

24 A. Yes.

25
26 ---EXHIBIT NO. 253: Summary of expenses for pilot
27 boats in St. John's Harbour from
28 January 1st, 1962, to December
31st, 1962.

29 Q. Would you explain this statement, start-
30 ing at the top, please?



1 A. This is a summary of expenses from January
2 1st, 1962, to December 31st, 1962.

3 First, for Canada Pilot No. 1. Diesel fuel,
4 lub oil and grease. This is the fuel that is used to
5 operate the main engine, lub oil for the main engine and
6 grease for it. Its stores and supplies would include
7 rope electric light bulbs, paint, fendering on the boat.

8 Q. Does that include any food for the crew
9 or for the pilots?

10 A. No, the crew feed themselves. They are
11 paid a subsistence, and they look after themselves.

12 Q. Would that subsistence be included in
13 the summary of expenses, Exhibit 253?

14 A. It is included.

15 Q. Under what heading?

16 A. Wages and allowance.

17 Q. And does the crew live on board the pilot
18 boat or ashore?

19 A. Accommodation is provided ashore ofor
20 the crew and they live in it.

21 Q. Where is that accommodation provided?

22 A. It is at the inner end of Queen's Wharf.
23 The pilot boats berth at Queen's Wharf.

24 Q. It is at the wharf?

25 A. Yes.

26 Q. Do you know in whose building this
27 accommodation is provided?

28 A. The accommodation is provided by Public
29 Works.

30 Q. Which Public Works?



1 A. The Federal Department of Public Works.
2 They maintain the building. But we supply the heat, the
3 Department of Transport supplies the heat.

4 Q. And do you supply the beds and furniture
5 and things like that?

6 A. These were there when I came, but I
7 understand, to the best of my knowledge, that Public
8 Works supplied the beds, the mattresses and the furniture,
9 but the crew supply their own bed clothes.

10 Q. I note that the total expenses for
11 Canada Pilot No. 1 is \$3,568.45. Is she the larger of
12 the two boats?

13 A. No, she is the smaller, I believe. Do
14 we refer to the tonnage or length?

15 Q. Tonnage or length or size?

16 A. I believe this is the smaller one. This
17 is the shorter boat. And the tonnage, it is slightly
18 smaller in tonnage, a very small fraction.

19 Q. What would be the total expenses for
20 the larger boat?

21 A. \$4,789.11.

22 Q. Can you explain the large difference
23 between the operating expenses of these two boats?

24 A. The Canada Pilot No. 2 is favoured
25 by the pilots and it is favoured by most everyone, and
26 it is the better sea boat. Consequently, it gets more
27 use than the Canada Pilot No. 1; the fuel bill is con-
28 siderably higher, the stores bills are higher, the
29 wear and tear is more, and therefore we have to pay
30 more. Running repairs are higher, and as we have engine



1 repairs, this could be expected as the engine gets much
2 more running. And we had a new generator installed which
3 cost \$615.00.

4 Q. What prompted you to include this item
5 in the operation of the boat? I should think it would be
6 a capital expenditure rather than an operating expense.
7 Would that occur every year?

8 A. It is unlikely that we will require a new
9 generator in that boat. The generator will probably out-
10 live the life of the boat.

11 Q. Deducting that expenditure, what would
12 be the normal operating expenses?

13 A. That would be \$4,174.11.

14 Q. And if you would deduct also the installa-
15 tion of a new radio-telephone, what would that be?

16 A. It would be \$2,813.36.

17 Q. And I see that you have also installed
18 a radio-telephone in the Canada Pilot No. 1 in the same
19 amount?

20 A. It would be \$2,197.30 for Canada Pilot
21 No. 1.

22 Q. So there is a slight difference whether
23 the boat is used frequently or not in the operating expenses,
24 is there not?

25 A. Yes, there is. Canada Pilot No. 2 is
26 roughly \$630.00 higher than No. 1.

27 Q. I see in that statement you have also
28 included the installation of a new radio-telephone in a
29 pilot station?

30 A. The Department of Transport installed the



1 radio-telephone in the pilot station in order to communi=
2 cate with the pilot boat and I included that as a
3 miscellaneous expense.

4 Q. Pertaining to the operation of pilot
5 boats?

6 A. Yes, sir. The radio-telephone in the
7 pilot station is a necessity if it is to be of any service.

8 Q. I see also an item of telephone under
9 miscellaneous. Would you explain that?

10 A. That is the land line telephone; we have
11 to make frequent calls in connection with the pilot
12 boat and in connection with other items connected with
13 these pilot boats.

14 Q. What are sundries?

15 A. That is mainly petty cash; I have a petty
16 cash advance. If I require any small items for the boats
17 which would be less than a couple of dollars I buy it
18 from petty cash and it is entered as sundries.

19 Q. So in fact this statement includes not
20 only the cost of the operation of the boat but also the
21 cost of operating the pilot station to a certain extent?

22 A. No, it does not include operating the
23 pilot station; it is just the radio-telephone. The
24 installation of the radio-telephone - I may have to
25 explain how the telephone works. There is a telephone
26 in the launchman's quarters.

27 Q. In the

28 A. Launchman's quarters which is paid for
29 by the St. John's Harbour and Pilotage Commission. There
30 is a telephone in the pilot station which is paid for by



1 the Department of Transport, so it works out to about the
2 same thing. This telephone can be classed as an expen-
3 diture for the pilot boats.

4 Q. And your total receipts in boat charges
5 last year amounted to \$6,200.00?

6 A. \$16,200.00.

7 Q. Can you give us an idea of what the
8 expenses were in 1961?

9 A. I am sorry, I cannot.

10 Q. You have no idea?

11 A. No, I have no idea.

12 Q. Would you have an idea of the income for
13 the total amount of boat charges for 1961?

14 A. I believe I have that here. That would
15 be from April, 1961 to March, 1962?

16 Q. Yes.

17 A. Total revenue would be \$16,690.

18 Q. And the previous total revenue which you
19 gave us was from January 1st, 1962 to December 31, 1962,
20 was it?

21 A. That is something I am not certain of.
22 We could check that with the auditors' reports from
23 January 1 to December, and see how it corresponds; yes,
24 this would be, as far as I know, for the calendar year.

25 Q. The expense would be for a calendar
26 year also?

27 A. The expenses are for a calendar year.

28 Q. Would you tell the Commission the
29 qualifications of your boat's crew?

30 A. I have one launchman; the Master of the



1 boat is classed as a launchman; we have one with a master's
2 home trade certificate of competency under 350 tons gross
3 tonnage, and we have two launchmen with masters' home
4 trade temporary certificates.

5 Q. How many men have you altogether?

6 A. We have six men; the other three men are
7 deck hands, and they don't hold any qualifications.

8 Q. Are they on shift work?

9 A. They are on shift work; they spend 24
10 hours a day and they are off for 48.

11 Q. Forty-eight hours. The crew on duty would
12 include two men?

13 A. Two men.

14 Q. The certified man and the deck hands?

15 A. And the deck hands.

16 Q. And they are on duty 24 hours a day?

17 A. That is right.

18 Q. Now, these pilot boats have been inspected
19 by the Steamship Inspection Office and they are classed
20 to carry five passengers, as appears on the Inspection
21 Certificate, for Pilot Boat No. 1, 1st of December, 1962,
22 and for Pilot Boat No. 2, the 3rd of November, 1962. To
23 the best of your knowledge, are these boats used for any
24 purpose other than taking pilots on board ships and off
25 ships?

26
27 A. The Boat crews have permission to use their
28 own discretion in an emergency. Sometimes there is an
29 emergency arises
30



1 such as a small boat may go adrift, and if we are called
2 for assistance the pilot boat is used to render any
3 assistance possible. If there are sick persons to take
4 off of a ship, when they are outside the harbour or inside
5 the harbour, the pilot boat is most frequently used.

6 Q. Now, do your crews keep any records of
7 their trips?

8 A. Yes, the crews keep a log book and
9 they keep a daily shipping report which runs from midnight
10 to midnight.

11 Q. This afternoon would you bring the daily
12 report for yesterday and the day before yesterday?

13 A. Yes.

14 Q. And also the current log book?

15 A. Yes.

16 BY MR. JACQUES: Thank you; your witness.

17 BY COMMISSIONER SMITH:

18 Q. On Page 12 of the pilot's brief there is
19 a reference to the pilot boat. It goes on to say that
20 they are satisfactory, and so on, and then it says:

21 "However, these boats are getting old
22 for pilotage service. They have had
23 hard service, and have had considerable
24 repairs to hulls and engines. It is
25 submitted that one new boat should be
26 ordered for St. John's to be put into
27 service for the winter of 1963-1964."

28 Do you believe that they are getting old?

29 A. These boats are getting old, my lord,
30 as can be seen from the register.



1 BY MR. JACQUES:

2 Q. Perhaps you might tell the Commission
3 when they were built and where, from the two registers;
4 state the name of the pilot boat.

5 COMMISSIONER SMITH: It occurs in the
6 report here. It says that they have given good service since
7 they were built ten years and fifteen years ago respectively.

8 MR. JACQUES: Canada pilot boat 1, according
9 to the certificate of registry was built --

10 THE CHAIRMAN: Number 1 or Number 2?

11 MR. JACQUES: Pilot Boat No. 1 was
12 registered in St. John's, Newfoundland, in 1955 and was
13 built in Newfoundland in 1953 by Fred Carberry, of Milton,
14 Newfoundland, and Canada Pilot Boat No. 2 was registered
15 in St. John's in 1935 and built in 1948 by Newfoundland
16 Shipyards Limited, Clarenville, Newfoundland.

17 COMMISSIONER SMITH: This is what the
18 brief says about ten and fifteen years ago.

19 MR. LANGELOIS: They are wooden ships?

20 MR. JACQUES: Wooden ships, yes, motor screw
21 wooden ships, both of them.

22 COMMISSIONER SMITH: You agree that a new one
23 should be planned to be put into service?

24 THE WITNESS: I agree, my lord; I have been
25 pressing for it and I think everybody connected with
26 pilotage both here and in Ottawa, agree that we should have
27 a new pilot boat.

28 COMMISSIONER SMITH: Thank you very much.

29 BY MR. JACQUES:

30 A. What were the extent of the repairs made



1 during 1962, can you recall? Can you tell us that?

2 A. Which boat?

3 Q. For both of them?

4 A. Canada Pilot Boat No. 2 - we pay more
5 attention to that boat than the other one. In the last
6 refit we had the rubber repaired on the outside.

7 Q. Explain what that is?

8 A. Rubber is an oak fender, I suppose,
9 around the top edge of the planking, along the shear strike.
10 It is 2 by 8 approximately, oak. We had a section of that
11 replaced on the bow; we had the deck caulked; the life
12 raft was serviced. The boat was dry docked; the engine
13 bedding bolts were withdrawn for inspection and renewed;
14 a small section of greenheart sheeting was renewed.

15 Q. What is that?

16 A. These boats are sheeted with green-
17 heart for navigation through ice; green heart, as you know,
18 is a very hard wood, and ice does not do as much damage
19 to green heart as it would to the hull planking in the
20 seams.

21 Q. How do you spell that word; it is the
22 first time I have heard it.

23 A. Greenheart.

24 Q. Is the hull inspected every year?

25 A. The hull is inspected every year, yes,
26 and the engine is overhauled every year.

27 Q. What sort of inspection do you do on
28 the hull; do you attend that inspection?

29 A. I attend with the steamship inspection;
30 they are responsible for it, and they examine the boat on



1 drydock, examine the bottom, the intakes, the sea suction
2 of the main engine and the sea suction of the pump, the fire
3 pump, examine the propeller and shafting.

4 Q. Do they ascertain the state of the frames,
5 the overplanking, the floors, if there are floors?

6 A. The frame was inspected in 1961. At that
7 time part of the decking was removed, and the frames inspected,
8 Canada Pilot No. 2.

9 Q. Inspected by whom?

10 A. By myself and by steamship inspection.

11 Q. And was such an inspection carried out on
12 Canada Pilot No. 1?

13 A. No deck planking has been removed from
14 Canada Pilot No. 1 since I came here.

15 Q. That is how many years?

16 A. That is three years.

17 COMMISSIONER RENWICK: Are there any prob-
18 lems with barnacles and terodoes in those waters?

19 A. No, my lord, we do not have much problem
20 with barnacles. The boats usually are in the ice sometime
21 during the year and that cleans off the barnacles. They
22 are in ice in March and dry docked during the summer, so
23 they are fairly clean, but we do get terodoes; they are not
24 too plentiful, but we do get them.

25 MR. JACQUES: Have you any questions, Mr.
26 Langlois?

27 MR. LANGLOIS: No.

28 MR. JACQUES: My lord, I would have to
29 start now with Lewisporte because my other witnesses are
30 due here at 2:30 this afternoon.



1 THE CHAIRMAN: Would it be long?

2 MR. JACQUES: Yes, I am afraid so.

3 THE CHAIRMAN: It will be a long witness.

4 MR. JACQUES: I think it would take about

5 an hour.

6 THE CHAIRMAN: Then, this would be a good

7 time to adjourn to 2:15.

8 MR. JACQUES: Very well.

9
10 ---Whereupon the hearing adjourned at 12:35 P.M. to
11 resume at 2:15 P.M.

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1 Upon resuming at 2:15 P.M.

2 RAYMOND CLANCY, sworn

3 DIRECT EXAMINATION BY MR. JACQUES:

4 Q. What is your full name and age please
5 sir?

6 A. Raymond Clancy, 40.

7 Q. What is your occupation?

8 A. Managing Director of Blue Peter Steam-
9 ships Limited.

10 Q. What are the purposes and objects of
11 this company?

12 A. It is a general freighting and specialized
13 freighting in refrigerated cargo, charters and agents.

14 Q. And what sort of ships do you deal with?

15 A. We operate four ships of our own, which
16 are small ships of about average 300 tons, net register
17 completely refrigerated vessels, and in addition to that,
18 during the year we usually charter two to four other
19 ships to carry on our trade.

20 Q. Do you also act as agents for other ships?

21 A. Yes, we act as agents.

22 Q. To what ports do your ships ply normally?

23 A. Our ships ply primarily from St. John's
24 to the East Coast Atlantic Ports, principally to Gloucester,
25 Massachusetts. Also to East Coast Ports when the occasion
26 arises, and sometimes up through the lakes as far as
27 Cleveland.

28 Q. Are the members of the crews of your
29 own ships all Canadian citizens?

30 A. All citizens of Canada, and all Newfound-



1 landers.

2 Q. They are all resident here in Newfound-
3 land?

4 A. Yes.

5 Q. I dare say that includes the masters of the
6 ships.

7 A. That is right.

8 Q. How many trips a month or a year, would
9 your ships make to St. John's?

10 A. Upwards of, as a guess 100 to 150. Perhaps
11 narrowing it down a little more, perhaps 100 to 120.

12 Q. Trips per year?

13 A. Yes.

14 Q. That would therefore mean that many of
15 your ships go through the entrance of St. John's Harbour
16 twice a trip?

17 A. They would.

18 Q. Do your Masters also use pilots?

19 A. No.

20 Q. They do not?

21 A. They do not.

22 Q. Do I take it then that they never use
23 pilots?

24 A. To my knowledge they never use pilots,
25 except we have told these Masters that since we are paying
26 compulsory pilotage, if at any time you do not wish to
27 take a chance on coming in by yourself, call a pilot.

28 COMMISSIONER SMITH: Mr. Jacques, did
29 we note the size of the ships?

30 MR. JACQUES: Yes sir, 300 tons net.

THE WITNESS: That is average. One is



250, one is 332, and one is 400. Another one is about 300.

MR. JACQUES: How often a month, or a year, would they take pilots?

A. I have never actually checked that, but I should think during the year if they take the pilot a half dozen or a dozen times, it would be the maximum, into this port or out of it.

Q. Out of 150 trips, it would be 12 trips with pilots, maximum?

A. Yes.

Q. When your ships are shifted in the harbour, do you use pilots?

A. With chartered ships only, not with our own.

Q. I am always referring to your own, not chartered ships.

A. That is correct.

Q. What then are your views on the compulsory payment of pilotage dues for your own ships?

A. Personally I feel very strongly about this, because prior to the advent of the increase in the pilotage fees, about 1959, the cost of pilotage in the port was about the level, although we had a St. John's Harbour Pilotage Act, we didn't feel too strongly about not getting the benefit of the exemptions of the Canada Shipping Act, but when the pilotage dues were increased as much as double or more to bring us on a level, or on a par with other east coast major Canadian ports in pilotage, and those other ports receive the benefits of the Canada



1 Shipping Act, we also feel that since we are paying the
2 additional money we also should have some concessions,
3 or benefits, applicable to us here in Newfoundland, such
4 as the case of white flag certificates, where our
5 masters are, in our opinion, competent, and know this
6 port, because they have been running in and out of the
7 port for a lifetime. They never use pilots. They never
8 use pilots for shifting. We should either be permitted
9 to come under the white flag certificate, or else pay a
10 token Pilotage. One or the other.

11 Q. But you would be willing to pay a token
12 pilotage in order to help maintain the service?

13 A. I don't believe the pilotage service which
14 exists in this port couldn't be maintained if the
15 exemptions of the Canada Shipping Act were applied.

16 Q. But you are willing to contribute to
17 maintain the service?

18 A. Yes.

19 Q. Have any of your ships ever been involved
20 in any collisions, or groundings, when they did not have
21 a pilot?

22 A. Not that I recall.

23 Q. What about the ships which you charter,
24 and the ships for which you act as agent? Do these ships
25 use pilots regularly?

26 A. They do.

27 Q. Do they ever come in without pilots?

28 A. They have come in without pilots in the
29 past, occasionally, I wouldn't say frequently.

30 Q. Do you know the reason for this?



1 A. No, I don't know the reason. I took that
2 up with the master when he came in, and he was the type
3 of master on this particular vessel that I remember, he
4 was a very independent type, and he said he would rather
5 prefer to have the ship under his own command than trust
6 it to anybody. I told him in future to use the pilots.

7 Q. What about your views as regards either
8 compulsory pilotage, or compulsory payment of Pilotage.
9 dues for all those chartered ships, and ships for which
10 you act as agent?

11 A. I agree with it pretty well, entirely
12 so far as compulsory pilotage is concerned. I think that
13 it is a small country, it is a small province, it is
14 a small city here. The amount of shipping coming to this
15 place is limited, and we must be able to keep the pilotage
16 service available, and of course the cost of maintaining
17 that pilotage must be kept at a certain level, so of
18 course there must be revenue.

19 Q. Compulsory payment of dues, or compulsory
20 use of pilots?

21 A. No. Compulsory payment of dues.

22 Q. Now, in the busy season here in the
23 harbour, do you feel that all, I wouldn't say foreign
24 ships, but all ships which do not ply here regularly
25 should use pilots?

26 A. Yes, I think they should.

27 Q. They should use them?

28 A. Yes. I think they should use pilots.

29 Q. Why?

30 A. Especially when the harbour is congested.



1 Q. Do you think that it would make for the
2 greater safety of the harbour if they did use pilots?

3 A. Certainly. With our own ships in the
4 harbour I would feel safer if I knew that those
5 ships coming in which didn't ply regularly were being
6 led by pilots.

7 Q. As regards the ships which you charter,
8 do you have any special provision in your charter
9 as regards to use of pilots?

10 A. No, there is no special provision making
11 it either mandatory or otherwise for the masters to take
12 pilots.

13 Q. As regards your own ships, under your
14 marine insurance policies are you of the opinion that
15 these policies would cover you whether your master used
16 a pilot or not?

17 A. Yes, it would cover us. I am convinced of
18 that, because questions would be asked with regard to the
19 circumstances of the case. If it was in a situation or
20 in an area that was completely familiar to the master, and
21 he was used to navigating in that area continually, they
22 would accept his qualifications. If it was in an area
23 where pilotage was not compulsory, or he was not used to
24 navigating in, he would take a pilot whether it was
25 compulsory or not.

26 Q. Now sir, the Commission has heard, not
27 here, but in several other places, evidence to the effect
28 that when a pilot goes on board the ship he does not
29 merely give advice, but he actually takes over the
30 navigation of the ship under the responsibility of the



1 master. Do you feel that this is the proper duties of a
2 pilot, to do so, or do you feel that his duty should be
3 to give advice only to the master?

4 A. I feel that when a pilot is taken on
5 board a ship he is taken on because of his local knowledge
6 of the waters and the area. If he didn't have that
7 local knowledge he would not even be engaged by the master,
8 and therefore, because he has that knowledge, I think he
9 should be completely responsible for where he takes the
10 ship.

11 Q. When you avail yourself of the use of
12 pilot services are you of the opinion that the pilot
13 is your servant, or the servant of your master, or a
14 private contractor entering into an agreement with you?

15 A. Well, unfortunately, in this area we
16 always look upon the pilot as being a man who will take
17 the ship in, and who has complete control of the vessel,
18 who has absolutely no liability whatsoever regarding what
19 happens to the ship, and it is the one point that we
20 have felt very strongly on. We don't look upon him as
21 a servant of the vessel. We look upon him more say as
22 a civil servant, more than anything else. In the same
23 category. Let us put it that way.

24 Q Q Would you be surprised if I were to tell
25 you that the applicable Act in St. John's does not seem
26 to limit the liability of a pilot for damages caused by
27 collision or grounding?

28 A. It may not, but having had incidents
29 in the past of taking advice on it, and also getting advice
30 from the harbour master and the pilots, we were told that



1 the liability was not the pilots' in any case, no matter
2 what happened, that the pilot had no liability.

3 Q Q. I wonder if you would be kind enough to
4 look through your file and see if you can find this
5 opinion, because I would be most interested?

6 A. That was back about ten years ago.

7 Q. Would you give it a try?

8 A. Certainly.

9 Q. As regards the rate structure, you are
10 aware that the basis of the pilotage in St. John's is the
11 net tonnage?

12 A. That is right.

13 Q Q. And not draught, and not length, and
14 not gross tons?

15 A. That is right.

16 Q. Are you satisfied with this basis, or
17 would you rather see another one?

18 A A. No, I suppose being used to paying it on
19 that basis for sixteen or seventeen years, I would come
20 to the point of accepting, but we have always accepted it.
21 I should think the tonnage scale is a justified scale.

22 Q. Have you ever had any occasion to be
23 involved in shipping inquiries, whether as owner of your
24 own ship, or as representative of the ships for which you
25 are agent? Inquiries into groundings, or collisions,
26 or any mishap to a ship under the Canada Shipping Act?

27 A. No, not involved directly. We may have
28 had incidents here where we were agents for the vessel,
29 but then it would be taken over from there on by our
30 attorney and the attorney of the other vessel, whatever the



1 case may be, or the pilot involved.

2 COMMISSIONER SMITH: My lord, I would like
3 to ask this witness a couple of questions.

4 Due to the racket outside I didn't hear the first
5 part of your evidence, and I may be covering some ground
6 that Mr. Jacques has already covered, but was the reg-
7 istration of the ships that you or your company owned and
8 the ships that you chartered given?

9 THE WITNESS: No sir, it was not.

10 COMMISSIONER SMITH: Where are your own
11 ships registered?

12 THE WITNESS: They are all registered
13 in St. John's, Newfoundland.

14 COMMISSIONER SMITH: And the chartered
15 ships?

16 THE WITNESS: They would be international.
17 We have used various nationalities, including mostly
18 German.

19 COMMISSIONER SMITH: There is another part
20 of your evidence, and I don't know whether I understood
21 you correctly or not, but this is what I understood you
22 to say, and be sure and correct me if I am wrong.

23 That if you came under the Canada Shipping Act
24 you would enjoy certain exemptions that you don't now
25 enjoy here applicable to your ships and these other ships
26 that you charter?

27 THE WITNESS: No sir, I didn't say that.
28 What I said was that because of the increase in pilotage
29 that was applied here a few years back, which brought us
30 up on a level, or on a par with other Atlantic Coast Ports,



1 we had to pay increased pilotage without receiving any
2 concessions in return, and I said certain concessions such
3 as are contained in the exemptions under the Canada Shipping
4 Act would be of great benefit.

5 COMMISSIONER SMITH: What benefits do
6 you think of?

7 THE WITNESS: The white flag certificate,
8 or some similar arrangement.

9 COMMISSIONER SMITH: Well, I misunderstood
10 you, and I am sorry. Your answer is satisfactory now.

11 THE WITNESS: I would like to make one
12 comment before I leave, if I may?

13 MR. JACQUES: Yes.

14 THE WITNESS: That as far as a ship owner
15 is concerned here in St. John's we find the pilotage
16 authorities here, the men involved, absolutely first-class.
17 We have got nothing but absolute co-operation from them,
18 and with regard to the actual working of the pilots in
19 St. John's and the calibre of the men involved, we could
20 find no fault.

21 CROSS-EXAMINATION BY MR. LANGLOIS:

22 Q. Mr. Clancy, the chartered ships are
23 manned by foreign crews, are they not?

24 A. That is right sir.

25 Q. Are they not mostly German?

26 A. That is right.

27 Q. Consequently aren't these ships classified
28 as for international voyages?

29 A. That is right.

30 Q. They call at U.S. Atlantic Ports?



1 A. That is right.

2 Q. Do they pay pilotage over there?

3 A That is right, but we just pay a token
4 pilotage over there.

5 Q. Well, you pay pilotage dues according
6 to their laws?

7 A. The ports that we serve between St. John's
8 and Gloucester. Gloucester would be our main terminus
9 on the other side. We pay a token pilotage there.

10 Q. What they call a commutation of pilotage
11 fees?

12 A. That is right.

13 Q. In other words, to further enlighten
14 the Commission, you pay a lump sum for a given period.
15 Is that right?

16 A. No sir, we pay a certain amount per call
17 of the vessel.

18 Q. How do these amounts compare with the
19 pilotage dues you are paying here in Newfoundland?

20 A. The reduction from the normal call of
21 a vessel in Gloucester to the token pilotage we are paying
22 would be comparable to, if we cut the pilotage that we
23 are paying here in half.

24 Q. For the same size of vessel, the same
25 tonnage?

26 A. That is right sir. I mean the reduction
27 would be comparable now. I wouldn't say that the amount
28 that we would be paying would be comparable.

29 Q. Does that apply only to Gloucester, and
30 to no other American ports?



1 A. Well, that is the only port I can speak
2 of with knowledge.

3 Q. You call at other American ports?

4 A. We do occasionally.

5 Q. What is the pilotage compared with New-
6 foundland?

7 A. A little higher.

8 Q. Do you call at New York?

9 A. Not when we can help it.

10 Q. Is it not a fact that the pilotage there
11 is about three times the pilotage you pay in St. John's?

12 A. I don't know that.

13 Q. What about Portland?

14 A. We don't call there.

15 Q. What about Boston?

16 A. We haven't called there for over ten
17 years. I don't know what the charges are there.

18 Q. Would you say that Boston, Portland and
19 New York would be much higher?

20 A. Yes. That is the reason we have kept
21 out of these ports because of the higher port charges
22 there.

23 THE CHAIRMAN: I gather from your last
24 answer that if dues were not higher - I suppose all
25 charges are higher there, too?

26 THE WITNESS: Yes, all charges.

27 THE CHAIRMAN: If the charges were not
28 higher, would you call there?

29 THE WITNESS: By all means. One point
30 is that Newfoundland is an island, and no matter what it



1 is, anything, if it will reduce the charges it will be
2 a benefit not only to shipping but also to the cost of
3 living on the island. We have been trying to cut and cut
4 the cost. St. John's is a high-cost port, and some ships
5 don't call here anymore.

6 MR. JACQUES: Where have they gone?

7 THE WITNESS: These are lines that have
8 been discontinued.

9 MR. JACQUES: They have not gone elsewhere?

10 THE WITNESS: No. It is on account of
11 handling ships here.

12 Q. Isn't stevedoring higher here?

13 A. The overall cost is very high.

14 Q. You know that the cost of stevedoring
15 here is higher than at Montreal?

16 A. I realize that.

17 COMMISSIONER SMITH: Do you think it is
18 fair to reduce the cost of harbour impact on shipping by
19 taking it off the pilot?

20 THE WITNESS: No, not take it off the
21 pilot. To reduce the cost, yes.

22 Pilotage is a necessity in the port, and I
23 think that a pilotage factor, where it enters into the
24 cost of an island or a place like this, since pilotage
25 is a necessity in the port it should come under federal
26 jurisdiction, there should be a salary paid the pilots
27 and it should become part of an overall plan.

28 COMMISSIONER SMITH: If it is a necessity,
29 it should be paid for?

30 THE WITNESS: Oh, yes, it should be paid for.



1 COMMISSIONER SMITH: And it should be paid
2 on a professional basis?

3 THE WITNESS: Oh, yes.

4 Q. If I understand correctly the answer you
5 gave to Mr. Smith's question, you would like to see
6 pilotage subsidized by the Canadian government; is that
7 right?

8 A. Not necessarily. If it is necessary, I
9 would like to see it -- if it is necessary.

10 Q. Somebody has got to pay it?

11 A. Yes.

12 THE CHAIRMAN: And what the witness said
13 also is that there is a limit as far as the trade is
14 concerned, because before you know it there won't be any
15 ships calling here.

16 THE WITNESS: That is the answer.

17 Q. Also it is a fact that pilotage dues are
18 not the most important deterrent to ships using this port;
19 is that not so?

20 A. Every point that contributes to the cost
21 of the port is important. If any one can be reduced, it
22 will reduce the cost, and if one cent could be taken off
23 A and twenty-five cents off B --

24 Q. As to these reductions you are talking
25 about, would you start with pilotage or other items?

26 A. We have already started with some items,
27 stevedoring, but we have to try to get the overall cost
28 down, not limit ourselves to one item. This is the
29 argument from a shipowner. There are other arguments as
30 well.



1 Q. You are not a shipowner?

2 A. No, thank you.

3 Q. You mentioned that you feel much safer to
4 see ships coming in with pilots, particularly when your
5 harbour is congested?

6 A. That is right.

7 Q. How often does that happen?

8 A. It has happened as high as six and seven
9 times a year.

10 Q. For long periods?

11 A. For periods of a couple of days up to
12 ten. This is only a personal guess. I have no figures
13 to base it on.

14 Q. I presume you are referring to the exper-
15 ience you have had?

16 A. We are agents for the Portugese vessels
17 which come in here. We handle about 80 per cent of the
18 fleet. We also handle some Spanish, Polish, Russian and
19 other nationalities, and there are times when we have had
20 as many as 50 ships in the port at one time.

21 Q. I understand that you have checked with under-
22 writers concerning your insurance coverage on your ships
23 if they didn't use pilots. Are you aware of the conditions
24 in your policies for your own ships in which you give a
25 warranty to the effect that you will comply with all rules
26 and regulations governing the safety of ships in the port
27 in which you are plying?

28 A. Yes. I didn't get the first part, I
29 am sorry, but I think I did get the idea involved there.
30 You said if we did receive certificates we would take res-



1 possibility, is that right?

2 Q. Yes. In other words, in your insurance
3 policies you have warranties to the effect that your ships
4 must at all times be manned by competent officers according
5 to the local rules.

6 A. Yes.

7 Q And if you don't comply your insurance
8 policies are null and void?

9 A. That is right.

10 Q. You said, if I understood you correctly,
11 that when there is a pilot on board he is completely
12 responsible. Is that what you said?

13 A No, not responsible at all for any
14 incident that may happen.

15 Q. Wouldn't he be responsible for the
16 safe navigation of the ship?

17 A. Oh, yes, responsible for the safe nav-
18 igation.

19 Q. Do you mean by that that he is taking
20 over complete control of the vessel?

21 A Under the master's command.

22 Q. Do the masters handle their own ships in
23 the harbour here?

24 A. Yes, they handle their own ships.

25 Q. When does the pilot take over?

26 A. The pilot does not handle our ships in
27 this port or coming into the port, he handles chartered
28 ships.

29 Q. Who takes over in that case?

30 A. The pilot brings the ship in and takes



1 it out, and moves it in the harbour, and the pilot handles
2 the ship under the jurisdiction of the master.

3 Q. What is your opinion of pilots becoming
4 civil servants? Are you in favour of that?

5 A. I haven't given the matter any thought.
6 I don't think to my mind it would make any difference.

7 Q. Has it been brought to your attention that
8 some of the foreign ships are reporting very reduced ton-
9 nage as compared to the tonnage listed in Lloyd's?

10 A. No, I have never seen an occasion, I
11 have heard nothing about it.

12 Q. Do you have shelter decked ships using
13 this port?

14 A. No, not in our business.

15 Q. I am not speaking of your firm but other
16 firms?

17 A. No, I don't think there are any shelter-
18 deck ships here.

19 Q. Lastly, you spoke of concessions. What
20 do you mean by concessions?

21 A. I said such as the use of white flag
22 certificates or similar. I only know that there is such
23 a concession under the Canada Shipping Act.

24 Q. Is it not a fact that it is only on
25 paper but not in practice?

26 A. I don't know. But I only know it would
27 be a good practice to have.

28 Q. Isn't it a fact that if you save a dime
29 now you may avoid a mishap?

30 A. It may be. If we have a mishap now we



1 have to spend a dollar.

2 Q. Generally speaking, you are in favour
3 of a pool of pilots, at the disposal of the harbour of
4 St. John's?

5 A. Yes.

6 RE-EXAMINATION BY MR. JACQUES:

7 Q. For your own ships, how much pilotage
8 do you pay for one trip?

9 A. An average of anywhere around \$23.00,
10 \$24.00.

11 Q. In and out?

12 A. I haven't got a scale with me; I am just
13 recalling from memory. It would be around the 300-ton
14 class. I think it is listed around \$23.00, \$24.00.

15 Q. Apart from this charge which you pay for
16 having your ships piloted inward or outward for your charter
17 ships --

18 A That is a charge that is assessed.

19 Q. Let's refer to your charter ships?

20 A. That is right.

21 Q. Do you pay anything else to the pilot for
22 any other services?

23 A. Mooring and unmooring.

24 Q. Would you explain that to the Commission?

25 A. That is a charge that is paid to the
26 pilots for handling lines on the vessel coming in and out,
27 tying up and letting go the lines.

28 Q. Would you explain that further, please?

29 A. Well, if there is a vessel arrives -- let's
30 take a case that happens quite often. The vessel arrives



1 in the middle of the night and is tying up at X pier.
2 There would be nobody there at that time unless we provided
3 that person to tie up the vessel and moor the vessel.
4 The pilots provide that service; they have men there to
5 do that work.

6 Q. The pilots have men there to do that
7 work?

8 A. Yes.

9 Q. To do that work do they use any launch
10 or boat of any kind?

11 A. I don't know, sir. The only thing I can
12 say is that the pilot is put aboard the vessel, the launch
13 is taken out to bring back the pilot.

14 Q. And you have no idea how the line is
15 passed from the ship to the dock?

16 A. Well, with our charter ships the lines
17 are thrown.

18 Q. How much would you pay for that service?

19 A. \$20.00, I think it is.

20 Q. And this is paid to the pilot?

21 A. Yes.

22 Q. With your charter ships do you pay that
23 for every trip or is that something that is occasional?

24 A. If I remember correctly, we have paid it.
25 I cannot say that with any certainty. If the vessel
26 arrives at a time when there are people there to accept
27 the lines, we may not have to use the pilots.

28 MR. JACQUES: Thank you, sir.

29 FURTHER CROSS-EXAMINATION BY MR. LANGLEIS:

30 Q. Follow up on this linesman business --



1 THE CHAIRMAN: I understand that it is
2 a service provided by them.

3 MR. LANGLOIS: I want to know to whom it
4 goes.

5 Q. You said you were paying \$20.00 for this
6 linesman's service. Is it not a fact that this money goes
7 not to the pilot but to the men who handle the lines?

8 A. The cheque is made out in the man's name,
9 yes, sir.

10 Q. It is a job that is done through the
11 pilots' office; is that right?

12 A. It sounds all right to me.

13 Q. Have you ever figured out how much it
14 would cost you for union labour to do the same job?

15 A. No, I haven't.

16 Q. Is it not a fact that you would have to
17 pay union rates and you would have to pay for standby
18 time if the ship was delayed?

19 A. It depends if you use union men to do it,
20 sir, which is not compulsory under union laws. There are
21 wharfsmen who would gladly cut the lines at the wharves.

22 Q. Is it not the case that pilots have been
23 involved as a go-between between you and these people and
24 you are getting very cheap labour in that case?

25 A. I wouldn't call it very cheap labour
26 no, sir.

27 Q. Would you not agree that if you were
28 doing it yourself it would cost you more?

29 A. It depends on who is available for us
30 to hire.



1 Q. Is it not a splendid example of co-opera-
2 tion from the pilots?

3 A. I prefaced my remarks by the fact that
4 we are getting splendid co-operation from the pilots.

5 Q. And this is another example?

6 A. It is a service we pay for.

7 Q. You are not paying a cent to the pilots.
8 Is it not a fact that none of that money is going to the
9 pilots?

10 A. Oh, no, sir, the cheque is made out in
11 the pilot's name, that is all.

12 Q To pay for the men?

13 A. I presume so. But when the pilot comes
14 in and asks us to make out two cheques, we make out two
15 cheques.

16 Q. Are you satisfied with this system?

17 A. I would say so.

18 MR. JACQUES: But you don't know to whom
19 the money is paid?

20 THE WITNESS: We make out the cheques to
21 John Doe. We assume that John Doe gets it.

22 MR. JACQUES: You don't know if he gets
23 it or who gets it?

24 THE WITNESS: We don't know.

25 Q. Would you prefer to do it by using
26 regular linesmen?

27 A. It is convenient to have men there at
28 the time we want them.

29 Q. It is convenient to you to save money?

30 A. I don't know that, sir.



1 MR. JACQUES: I wish the pilots wouldn't
2 be under the impression that any reproaches are made to them
3 because of the service. It is a service which had not been
4 mentioned and we thought the Commission should know about
5 it. And if the Commission wants my personal opinion,
6 which doesn't bind the Commission or anyone else for that
7 matter, I think it is a sensible way of doing the thing.

8 THE CHAIRMAN: I think so.

9 MR. JACQUES: The boat is there in the
10 middle of the night.

11 THE CHAIRMAN: It is the same thing in
12 another form, it is about the same thing that was said at
13 New Brunswick, where there was only a small group of pilots,
14 and it was the same thing there, they were arranging for
15 berthing facilities and despatching and everything.

16 THE WITNESS: It saves the shipowner a
17 lot of trouble, sir.

18 THE CHAIRMAN: It is a job that is being
19 done and everybody is satisfied.

20 MR. LANGLOIS: It was just to clear an
21 impression.

22 THE CHAIRMAN: Yes, you did well. Are
23 there any other questions.

24 THE CHAIRMAN: I have one question here.
25 You spoke about the necessity of having pilots here in the
26 harbour, especially for foreign ships, or ships not plying
27 regularly here. We heard from the previous evidence some
28 figures to the effect that there is an increase of larger
29 ships coming in, fewer ships, but larger ships, last
30 year, for instance; would the increase in the size of



1 these ships add to the hazards of the port here in regard
2 to the facilities and so on, so that there is a limitation?

3 THE WITNESS: I think the larger the ship the
4 more danger there is of an accident occurring, and there-
5 fore the more necessity there is to have a qualified man
6 on board.

7 THE CHAIRMAN: From your knowledge of
8 shipping have you noticed that increase in trend lately,
9 say last year for instance?

10 THE WITNESS: Yes, sir; since the dis-
11 appearance of the coastal vessels that we used to have in
12 here in great numbers the trend has been to larger ships,
13 more larger ships are coming here, but unfortunately also
14 there is the disappearance of some of these smaller ships.

15 THE CHAIRMAN: But in your opinion the
16 trend will continue for some years to come?

17 THE WITNESS: I would not say it is a
18 trend; maybe it is a trend, but it is brought about because
19 of specific circumstances. But I think that small ships
20 handling cargo could not continue coming in here because
21 of the costs and they have disappeared, and cargo handlers,
22 or shipping companies, have been trying to put more cargo
23 into one bottom to bring it in here, a case of bringing
24 it in on a cheaper basis per ton. Perhaps that is the
25 reason why larger ships are moving in. Perhaps one larger
26 ship can take the place of three smaller ones.

27 COMMISSIONER RENWICK: Would that not
28 have a particular impact on longshoring or stevedoring.
29 A gang is paid so much per hour and they can handle certain
30 cargo going into one or three ships?



1 THE WITNESS: No, that would not have
2 any impact because the cost per ton should be about the
3 same whether coming off a small ship or a larger, although
4 larger ships have better handling facilities, but on the
5 other hand again the lift permitted by longshoring in
6 the harbour is the same for the large as for the small
7 so that they should possibly get the same production and
8 therefore it should not cost anymore or less per ton.

9 COMMISSIONER RENWICK: I asked that
10 question because I gathered from the testimony that the
11 cost has a great deal more impact than the cost of pilotage

12 A. I think because it is a large part of
13 the cost of putting a ship in here, handling the cargo,
14 if it is excessive, even if others are excessive, it is
15 going to be the most expensive part of the cost.

16 MR. JACQUES: Thank you very much.

17
18 G. A. MYERS, sworn

19 DIRECT EXAMINATION BY MR. JACQUES:

20 Q. Would you sit down and tell your full
21 name and age, please?

22 A. Gordon Alexander Myers, 48 years old.

23 MR. JACQUES: I hasten to say that in
24 the evidence that this witness will give there is no in-
25 tention of attacking the pilots at all.

26 MR. LANGLOIS: It is not your intention
27 as counsel, it is what you do in fact.

28 BY MR. JACQUES:

29 Q. In whose employ are you?

30 A. Newfoundland Hardwoods Limited.



1 Q. In what capacity are you employed?

2 A. General Manager.

3 Q. What are the purposes and objects of
4 this company?

5 A. We operate a creosoting plant, a timber
6 yard and an asphalt plant at Clarenville, Newfoundland,
7 and we also operate a plywood plant, a door plant, a
8 furniture plant, a plywood plant on Topsail here in St.
9 John's.

10 Q. I produce to you chart No. 4490, which
11 is Exhibit No. 237. Would you indicate where Clarenville
12 is with a red mark?

13 A. At Shoal Harbour here.

14 Q. Indicated in red with a red tick on
15 Exhibit 237.

16 A. This is an old chart.

17 Q. In Clarenville, sir, do you ship your
18 goods by ship or by other means of transportation?

19 A. Did you say ship?

20 Q. Ships?

21 A. Shipped out?

22 Q. Shipped inward or outward?

23 A. The bulk of our goods go out by rail,
24 but occasionally we do use steamers and schooners.

25 Q. And inward?

26 A. Inward, all comes in by boat, by steamer.

27 Q. Are any local pilots employed in Clarenville
28 or Shoal Harbour?

29 A. Yes, one.

30 Q. Is he attached to any of the known dis-



1 triets in Newfoundland, either St. John's, Corner Brook,
2 Botwood or Lewisporte?

3 A. No, local resident.

4 Q. He is a local resident; have you any
5 personal knowledge of his experience on ships?

6 A. Yes.

7 Q. Would you state this, please?

8 A. He owned schnooers himself and he has
9 a captain's ticket, a coastwise ticket.

10 Q. How long has he been employed as pilot?

11 A. I would say probably about eight to
12 ten years.

13 Q. Is he employed solely on ships carrying
14 your goods and merchandise?

15 A. As far as I know, yes. But when you
16 say "solely" are you talking about as pilot now or his
17 other employment?

18 Q. No, as a pilot?

19 A. As a pilot I think only on our boats;
20 the other boats do not use pilots.

21 Q. The other boats do not use pilots?

22 A. No.

23 Q. What is the size of your boats?

24 A. The largest we have had in is 12,000
25 tons.

26 Q. That is the largest one?

27 A. Yes.

28 Q. Can you give us an idea of the size
29 of the others?

30 A. The boats range from 300 feet to 540



1 feet long.

2 Q. Are these --

3 A. 3,000 tons up to 12,000.

4 Q. Are these chartered by your company?

5 A. Generally, no, chartered by the people who
6 we purchase material from.

7 Q. Are they chartered ships?

8 A. Yes.

9 Q. Are they sent out to your place?

10 A. Yes.

11 Q. How many ships would you have in one
12 year?

13 A. It varies considerably from a minimum
14 of about three to a maximum of about 14.

15 Q. During 1962, how many did you have?

16 A. In 1962 we had four in and one out.

17 Q. Four in and one out?

18 A. That is steamers, plus three or four
19 schnooers.

20 Q. In 1961 what would be the figure?

21 A. In 1961 we had eight.

22 Q. In or out?

23 A. All in.

24 Q. Eight, all in?

25 A. All in, none out.

26 Q. Of course those ships have to go out
27 again?

28 A. Well, they go out empty.

29 Q. Are they piloted inward and outward by
30 the pilots?



1 A. Both in and out.

2 Q. Both ways?

3 A. Yes.

4 Q. Where do those ships come from?

5 A. British Columbia, the New England States,
6 Venezuela.

7 Q. Do you have timber coming all the way
8 from British Columbia?

9 A. Yes.

10 Q. By ship only?

11 A. Yes.

12 Q. Would you recall the name of one of
13 those ships?

14 A. Cape Clear and Cape Scott; offhand that
15 is all I can recall in the timber boats.

16 Q. Is this place Shoal Harbour open twelve
17 months of the year to navigation?

18 A. The harbour into Clarenville is open,
19 but generally for about a month in February our wharf is
20 caught in the thin ice which could easily be taken out by
21 a tug or a small boat.

22 Q. Are your shipments received during any
23 particular period of the year or are they spread evenly
24 throughout the twelve months?

25 A. Our timber generally comes in in the
26 spring and the fall; the same with our poles; they come
27 in the spring and the fall and the asphalt tankers, they
28 are spaced over three weeks, about the first of May until
29 October.

30 Q. One trip every three weeks.'



1 A. They run about three weeks, that would
2 depend on how much asphalt we need, whether we continue on
3 in September or October or stop in August, September.

4 Q. What is the fee charged by the pilots
5 for piloting a ship inward?

6 A. \$85.00; that is in and out.

7 Q. \$85.00 in and out; \$85.00 for the round
8 trip?

9 A. Yes.

10 Q. How long has that fee been on that
11 level?

12 A. Well, as far as I know it has been like
13 that now for the last ten or fifteen years.

14 Q. For that long, ten or fifteen years;
15 does the pilot supply his own boat?

16 A. Yes.

17 Q. Do you know if it is a boat especially
18 equipped for that work, or have you seen the boat?

19 A. Oh, yes.

20 Q. Approximately what size is she?

21 A. She is about 26 to 28 feet long.

22 Q. Is she decked?

23 A. Yes.

24 Q. Got an engine?

25 A. Oh, yes.

26 Q. Have you had occasion to go out on her?

27 A. No.

28 Q. You have never?

29 A. No.

30 Q. Do you know by how many men she is



1 manned?

2 A. One man.

3 Q. One man?

4 A. Besides the pilot.

5 Q. Oh, yes, beside the pilot; he goes out
6 with the pilot, puts the pilot aboard and comes back again?

7 A. Yes.

8 Q. And when the ship goes out he goes out
9 with the ship, takes the pilot off and takes him back
10 inside?

11 A. Yes.

12 Q. Are your ships called upon -- when I say
13 your ships, I mean the ships that deliver your goods --
14 to shift in the harbour, berth in the harbour?

15 A. Once or twice two boats would arrive at
16 the same time and one has had to anchor in the stream,
17 but then the pilot has obviously included in his fee
18 docking the boat; there is no extra charge.

19 Q. What is this man's name?

20 A. Reuben Carpenter.

21 Q. How old is he?

22 A. I would say he is around about 50.

23 Q. To your knowledge do you know if anyone
24 else has ever acted as a pilot in that Shoal Harbour?

25 A. There definitely is a man by the name
26 of Charlie Martin.

27 Q. Was it before Carpenter?

28 A. Before Carpenter, yes.

29 Q. But during Carpenter's time?

30 A. Carpenter was in Clarendville, yes.



1 while Charlie Martin was there.

2 Q. What happened to Charlie Martin?

3 A. He got too old to do it and quit.

4 Q. Since Charlie Martin has quit has Car-
5 penter ever had any competition?

6 A. No, none, not to my knowledge.

7 CROSS-EXAMINATION BY MR. LANGLOIS:

8 Q. You referred to ~~sm~~ tonnage; were you
9 speaking of gross tonnage or net tonnage?

10 A. I don't know.

11 Q. You mentioned 12,000 tons and that the
12 ships vary from 3,000 to 12,000; were you referring to
13 gross or net tonnage?

14 A. I would say it would be gross tonnage.

15 MR. LANGLOIS: Thank you.

16 MR. JACQUES: Have the Commissioners
17 any questions?

18 Thank you very much for coming, sir.

19

20 RALPH EUGENE STONE, sworn

21 DIRECT EXAMINATION BY MR. JACQUES:

22 Q. What is your age, sir; would you tell
23 the Commission your full name, please?

24 A. Ralph Eugene Stone, age 53.

25 Q. What is your occupation, sir?

26 A. District Marine Agent for the Department
27 of Transport for part of the Province of Newfoundland.

28 Q. For part of the Province of Newfoundland.
29 Would you briefly describe that part of Newfoundland
30 which is under your jurisdiction?



1 A. It includes Channel Head on the south-
2 west coast, east along the south-west coast and north
3 to and including Priquet; it also takes in all the bays
4 along the east, on the east side.

5 Q. I show you Chart 4490, which has been
6 filed as Exhibit 237. Would you with a red pencil indicate
7 the limits of your district?

8 A. From Battle Harbour north to Cape
9 Chidley, which includes Hamilton Inlet and Goose Bay.

10 Q. So it includes the whole coast of
11 Newfoundland, the western shores of Newfoundland facing the
12 Gulf of St. Lawrence?

13 A. That is correct, and from Blanc Sablon
14 on the north side of the Strait of Belle Isle or north
15 to and including Belle Isle; that is handled by another
16 agency.

17 Q. As District Marine Agent, do you look
18 after aids to navigation?

19 A. Marine aids to navigation.

20 Q. Marine aids to navigation; would you
21 describe briefly what marine aids to navigation are avail-
22 able to pilots in the Harbours of St. John's, Botwood,
23 Lewisporte, Corner Brook and Port aux Basques?

24 A. The Harbour of St. John's entrance, Fort
25 Anherst light and fog alarm station; it is hydro operated,
26 year-round operation; two men man it. There is a light
27 on the small rock called Chain Rock on the starboard
28 hand or starboard side of St. John's Harbour; on the port
29 side of the entrance there is a lighted buoy on Pincock
30 Shoal, a lighted buoy on Prosser's Rock and on the



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Q. That is in St. John's?

A. That is in St. John's Harbour.

Q. And the other harbours which have been mentioned, are you able to describe roughly the aids available to pilots?

A. In the approach to Botwood there is the Surgeon Cove Head. A fog alarm and light station is manned by two men, and it is in operation whilst the Port of Botwood is open. Going up in the run toward Botwood there is a light on Black Island. There is a light at Cabbage Harbour Head, Grassy Island, Lower Sandy Point and Mill Point, which is in the harbour of Botwood.

Q. And Lewisporte?

A. At Lewisporte there are only two lights in the approaches which we have at the present time. One is at Knight's Island Rock, and the other is at St. Michael's Head.

Q. In Corner Brook now?

A. Corner Brook is not under my jurisdiction. It is under the District Marine Agent at Charlottetown, P.E.I.

Q. I stand corrected sir. Could you please tell the Commission how efficient are the aids to Navigation under your jurisdiction?

A. Well, there are several classes of aids. Those which are manned I would say are 99 per cent efficient. Then we have another class, which is perhaps semi-watched. These I would say are 70 to 75 per cent efficient. We



1 have another class, which are unwatched, and possibly I
2 would be low in my percentages. They may be a little better
3 than that.

4 Q. Have you ever received any complaints
5 from pilots as regards the efficiency of your aids to
6 navigation?

7 A. On one or two occasions, yes.

8 Q. Could you explain these occasions to
9 the Commission?

10 A. I think at Fort Amherst, where at
11 the advent of Confederation we changed from one type of
12 fog signal to another, the pilots objected to it a little
13 bit, however, we continued to use the newer equipment,
14 which was perhaps not so efficient as the older type, and
15 of late we have had no complaints from them.

16 Q. Was this new fog horn installed to
17 herald Confederation particularly?

18 A. Sometimes I think so.

19 Q. Have you ever had any complaints from
20 the pilots, not as regards the efficiency of the aids, but
21 the number of aids which are available? Have they ever
22 asked for a greater number of aids, or different aids?

23 A. They have on one or two occasions
24 asked for different aids. That is insofar as the Port
25 of St. John's is concerned, and I think they have them
26 now. There may be one other that they said they would
27 like to have. Whether it is a necessity or not we will
28 determine, perhaps to the benefit of all concerned.

29 Q. Even the pilots?

30 A. Even the pilots.



1 Q. As regards notices to shipping, do you
2 send such notices from your District?

3 A. We do.

4 Q. Would you briefly describe to the
5 Commission the procedure which you follow concerning these
6 notices, and what they contain?

7 A. As we get notification that a light is
8 out, or a manned station, for some reason the fog alarm
9 may be out of operation, its light, or any aid, we
10 broadcast. First we give it to the U.S.C. for the fisher-
11 men's broadcast. It is then typed up in message form
12 and sent out to from two to three marine radio stations.
13 If the aid, we will say, is on the south-west coast of
14 Newfoundland, we will give it to Cape Race to broadcast
15 at the radio station there, at Burin, North Sydney, and
16 possibly Grindstone. It would be sent through St.
17 John's radio here, and we would ask them to pass it to
18 perhaps Cape Race, or whatever station is concerned.

19 Q. And afterwards are these messages printed
20 in a letter form, or in a notice form, and forwarded
21 to the pilots by mail?

22 A. They are mailed out. We have a shipping
23 list, or a mailing list, to which we mail out notices
24 every time notices to mariners are issued locally.

25 Q. To the best of your knowledge, are any
26 of the pilots, or the local Commission, on your mailing
27 list?

28 A. I am not sure. I believe the pilots
29 are on the mailing list, and I feel sure that the Harbour
30 Commission is too.



1 Q. How long does it take from the time
2 that you are advised that a light is out until the time
3 it is broadcast to shipping in the area?

4 A. That will depend on when we get the
5 report. Sometimes if we get it in the morning -- we may
6 get a report that a light is out. If it is a light which
7 is handled by a caretaker we will take no action until
8 the evening, so that he may have an opportunity to light
9 it between the time in the morning when he sends the
10 message and the afternoon.

11 Q. But if the light is unwatched?

12 A. Immediately we get the notification.

13 Q. And would that be a matter of hours,
14 or minutes, or days?

15 A. Sometimes it may take hours. Sometimes
16 it may be days.

17 Q. Days?

18 A. It could be.

19 Q. Does it happen very often that it
20 takes days?

21 A. No, I don't think it ever happens that
22 somebody does not report it.

23 Q. Oh, yes, but I meant from the time that
24 it is reported to you until it is broadcast?

25 A. No.

26 Q. Is it a matter of hours?

27 A. I would say in 90 per cent of the cases
28 it is a matter of hours, yes.

29 Q. You are aware that a request has been
30 made to have a light placed on Funk Island?



1 A. That is correct.

2 Q. Do you know whether there will be a light
3 there or not within a reasonable delay?

4 A. There will be.

5 Q. Within a reasonable delay?

6 A. Yes. We have been told not to use the
7 word austerity, but that is what affected us.

8
9 CROSS-EXAMINATION BY MR. LANGELOIS:

10 Q. You have been talking about aids to
11 navigation. What about obstructions now? Has it ever
12 been reported to you that there were underwater obstructions
13 in the harbour here that should be removed?

14 A. It has been reported.

15 Q. Do you know if anything has been done
16 about it?

17 A. I would say, not having had official
18 notification, I know there is money in the estimates for
19 1963, and I think that there has been a contract let to
20 clean up the harbour of St. John's in 1963.

21 Q. Would you know if this is to remove
22 the old hulk that is there, or to remove the former naval
23 anchorages? which are still at the bottom of the harbour
24 here?

25 A. I just don't know what the terms of
26 reference are in the contract. It is being let under the
27 Department of Public Works, but I think they are going to
28 clean up the harbour.

29 Q. You mentioned that your notices to
30 mariners were typed up and sent to the stations. How long



1 does it normally take to reach one of your stations?

2 Take Burin for example?

3 A. How long does it take?

4 Q. Yes?

5 A. Well, we don't have teletype or telex
6 in our office, so we normally send them through C.N.T.,
7 outgoing messages. They send them through St. John's radio,
8 and within an hour it can be broadcast over Burin radio.

9 Q. Would that apply to Belle Isle?

10 A. It could very well, yes. They could get
11 immediate contact through St. John's.

12 Q. With a few hours delay?

13 A. There is delays in everything.

14 Q. What are the normal channels through
15 which you are informed of the failures of your aids to
16 navigation?

17 A. What are the normal channels?

18 Q. Yes?

19 A. Human in a good many cases, mechanical
20 in others.

21 Q. Have you ever been able to ascertain
22 the lag between the time, normally speaking and generally
23 speaking, when a light is actually out of commission,
24 and the time it is actually reported to you? In a wide,
25 large district such as yours there must be some cases
26 of long delays, because you have a tremendous district
27 here.

28 A. Sometimes there are delays, especially
29 on the Labrador Coast, but not too much in summer, because
30 there is always quite a lot of shipping on our coast, and



1 they have been asked to report any aids which they find
2 out, and we will pay for their messages. So they don't
3 hesitate to send them, and we thank them for them, all
4 ships masters.

5 Q. In a large district such as yours do
6 you have, such as they have on the northern sector of
7 the west coast, a helicopter to promptly and efficiently
8 repair the aids to navigation? Do you have such a service?

9 A. Not on the same scale. We have a
10 helicopter, but not on the scale that is provided on the
11 west coast.

12 Q. If the helicopter is the one that is
13 used on the icebreaker, it is not at your disposal at
14 all times?

15 A. Not at my disposal at all times, but
16 down here in this area we are a little fortunate, I am
17 perhaps than some others, in that we have St. John's
18 airport here, and I base it at the airport unless it is
19 actually required on the ship.

20 Q. It is used for search and rescue also?

21 A. It is.

22 MR. JACQUES: I think there was a little
23 misunderstanding here somewhere along the line. The
24 British Columbia Coast is one Pilotage District, whilst
25 Newfoundland is not one Pilotage District, you have several,
26 St. John's, Portwood and Lewisporte within your District.

27 BY MR. JACQUES:

28 Q. In these Districts how long could a light
29 be out before it is reported to you?

30 A. In St. John's possibly half an hour or



1 less. Maybe an hour. The pilots see it.

2 Q. My God, the pilots are slow, are they
3 not?

4 A. No, I wouldn't say so.

5 Q. And in Botwood and Lewisporte?

6 A. Botwood and Lewisporte they could be out
7 perhaps over night.

8 Q. Before you would be notified?

9 A. That is right.

10 Q. And how long would it be before you could
11 give attention to that aid in these three places?

12 A. Well, in some cases in the Botwood area
13 immediate attention could be given to it, because you are
14 in smooth waters. Perhaps you would have some trouble
15 getting ashore on Black Island, where there is an unwatched
16 light. You have to wait for the sea to subside, and the
17 same thing at Knights Island, going up to Lewisporte.

18 Q. Have these two lights that you have
19 mentioned gone out recently?

20 A. No.

21 Q. When was the last time they were out?

22 A. I don't know. I couldn't tell you.

23 BY MR. LANGLOIS:

24 Q. To further clarify this so-called mis-
25 understanding that my friend wanted to clear up, when you
26 have these foggy periods for days on end, the delay, even
27 in the St. John's harbour, would be even more than a
28 question of twelve hours, is it not a fact?

29 A. There are times when the sea conditions
30 wouldn't let you work in St. John's Harbour.



1 Q. Even the fog can prevent you from actually
2 seeing that the light is out?

3 A. Yes.

4 Q. And for days on end?

5 A. I don't think so.

6 Q. You don't manufacture your fog here. You
7 are competing with Saint John, New Brunswick?

8 MR. JACQUES: I must object to this.
9 It is unjust. My friend has only to look out the window
10 and see how much fog there is there.

11 THE CHAIRMAN: And how it can change.

12 MR. LANGLOIS: And for the worse.

13 MR. JACQUES: My lord, I have no further
14 witnesses to call as regards the St. John's Pilotage
15 District, but I have two witnesses as regards Long Pond and
16 Catalina, where there are pilots, but these two places
17 are not Pilotage Districts. I was advised that there
18 are pilots also at Wabana, but they are employed by
19 Dosco, they have no representative here. This might be
20 proceeded with at Montreal, where Dosco will appear, so
21 I am prepared to proceed with Lewisporte, unless my learned
22 friend wishes to cross-examine Mr. Evans.

23 COMMISSIONER SMITH: Before we leave
24 St. John's, are we coming back to open up more evidence?

25 MR. JACQUES: I don't think so.

26 THE CHAIRMAN: Mr. Langlois will have some
27 evidence as well?

28 MR. JACQUES: Mr. Langlois has to bring
29 his evidence in. The pilots have not been heard.

30 COMMISSIONER SMITH: Yes, I know, but you



1 are going away and coming back again.

2 MR. JACQUES: I would rather not go away
3 and come back. I would like to deal with St. John's com-
4 pletely.

5 THE CHAIRMAN: If it is not too cumbersome
6 for you and your witnesses, I would prefer that we
7 finish up St. John's first.

8 --- (A short recess)

9 FREDERICK JOSEPH EVANS (Recalled)

10 CROSS-EXAMINATION BY MR. LANCELINI:

11 Q. On the same boat that you took yesterday,
12 would you mind telling the Commission how much money was
13 left in this reserve fund, of this 5 per cent reserve
14 fund created for the pilot boat when the boats were
15 taken over by the Department of Transport?

16 A. First, let me go on record by stating
17 that this year I did not do the audits, so any answers I
18 make are purely from records in my file. I have a notation
19 here, Statement No. 2, 1961, 31st of March, 1961. There
20 is a footnote, and I quote from it:

21 "The payments to pilots include \$425.30
22 deducted as a 5 per cent contribution to
23 expenses and later returned to the pilots
24 when that section of the by-laws was re-
25 voked."

26 Q. When was that money returned to the
27 pilots?

28 A. As I previously stated, I did not do
29 the audits, so I can only assume from the statements --
30 can I quote from the report made by the auditor at that



1 time? I believe he mentions this in his report. I quote
2 again from his report.

3 "The transference of the boats to
4 Departmental control caused a sub-
5 stantial decrease in pilotage expenses
6 and thus the Commission was enabled to
7 reduce the surcharge from 15 per cent
8 to 3 per cent and rescind effective
9 April 1st, 1960, the collection of 5
10 per cent of pilots' fees for application
11 towards liquidation of pilotage accounts
12 payable as a result of this latter action.
13 The Commission was obliged to refund to
14 the pilots \$425.30 which had been collected
15 during April and May, 1960."

16 Q. What about the same reserve fund for
17 1959?

18 A. That is ending 1960, March 31st, 1960?

19 Q. Yes?

20 A. I quote from a report prepared by our
21 head office, and it states in part:

22 "The 5 per cent was not paid to the
23 pilots. The 15 per cent surcharge plus
24 the 5 per cent which was intended to
25 cover pilotage operating expenses in
26 excess over expenses would have been
27 returned to the pilots. However, as
28 operating expenses exceeded the 15 per
29 cent plus the 5 per cent, no return was
30 made to the pilots."



1 Q. Now, from the information made available
2 to you, could you say as to whether or not all the revenues
3 derived from pilotage were, in fact, used for the operation
4 of pilotage?

5 A. Could you please phrase this for a
6 particular year, as the Harbour Commission, as previously
7 stated by myself, has included harbour and pilotage as
8 one operating account.

9 Q. I could file this if necessary. I have
10 the minutes of the St. John's Harbour Commission Rep-
11 resentatives and the St. John's Pilots of October 29, 1958,
12 and I quote the following paragraphs from these minutes.
13 It is Paragraph 2 of Page 1:

14 "With regard to the financial situation
15 which developed over the years before
16 Confederation the whole revenue had at
17 times been drawn on to finance harbour
18 operations, while at other times the reverse
19 occurred and the harbour dues has been
20 used for pilotage expenses."

21 Could you substantiate this statement
22 from information which you have?

23 A. Well, from my experience I have found
24 that in some cases in my estimation of the expenses pro-
25 ration to harbour and pilotage the harbour account has
26 been carrying the pilotage account.

27 Q. Have you found instances where the
28 opposite was done?

29 A. Not to my memory.

30 Q. When you say not to your memory, you are



1 not going from information which you have yourself obtained
2 through documentation which you have on file; is that
3 correct?

4 A. Well, I am trying to substantiate my
5 memory from the documents I have on file.

6 Q. I am showing you here a copy of a
7 statement of pilotage revenues and expenditures, April to
8 September 15, 1944?

9 A. I have no record of that.

10 Q. You have no record of that?

11 A. That is signed by a different operating
12 authority from us. I myself have only been connected
13 with this since 1953, and I don't think our Department has
14 been connected with it before 1953, 1952, if my memory
15 serves.

16 MR. LANGLOIS: That is all, thank you.

17 RE-EXAMINATION BY MR. JACQUES:

18 Q. Just one question. I wish to sum this
19 up.

20 To the best of your knowledge, your own personal
21 knowledge and the knowledge derived from your official
22 file, would you say that any of the pilotage revenue --
23 and I am including this 5 per cent which has been men-
24 tioned, which apparently has been deducted from the
25 pilotage revenue, as opposed to the 15 per cent which was
26 collected from the ship and the 3 per cent pilotage
27 collected from the ship -- would you be able to say whether
28 any of the pilotage revenue has ever been used to finance
29 the harbour aspect of the Commission?

30 A. Not to my memory. In fact, in my opinion



1 the reverse has been true; the harbour revenues have
2 financed pilotage activities.

3 MR. LANGELOIS: You made that statement
4 only since you have had access to the records.

5 THE WITNESS: Yes.

6 MR. JACQUES: Since 1958.

7 THE WITNESS: Yes.

8 MR. LANGELOIS: Captain Poddister.
9

10 SUBMISSION OF ST. JOHN'S PILOTS

11
12 JOHN FRANCIS PUDDISTER, sworn

13 DIRECT EXAMINATION BY MR. LANGELOIS:

14 Q. Would you mind, sir, stating your
15 full name, age and address?

16 A. John Francis Puddister.

17 Q. Your age?

18 A. 4 43.

19 Q. Address?

20 A. 64 Merrymeeting Road, St. John's.

21 Q. Your occupation?

22 A. Harbour pilot in St. John's.

23 Q. How long have you been a pilot, Mr.

24 Puddister?

25 A. Four years.

26 Q. What was your previous experience at
27 sea before you became a pilot?

28 A. I was about 20 years at sea in various
29 types of ships and capacities.

30 Q. How many years?



1 A. About 20.

2 Q What were your qualifications when you
3 became a pilot?

4 A. Master Foreign-going Certificate.

5 Q. Were you ever in command of a coastal
6 vessel?

7 A. Yes, I have been in command of coastal
8 vessels.

9 Q For how many years?

10 A About a year and a half.

11 Q. Were you plying Newfoundland waters
12 then?

13 A. Newfoundland waters and to the mainland,
14 to Sydney and Mulberry and Halifax.

15 Q. That would include the Port of St. John's?

16 A. It included the Port of St. John's.

17 Q. I ask you, Captain, to file as Exhibit
18 ?--

19 THE SECRETARY: 254.

20 Q. ---254, the St. John's Pilots' Brief
21 to the Royal Commission on Pilotage.

22
23 ---EXHIBIT NO. 254: Brief of St. John's Pilots'
24 to the Royal Commission on
Pilotage.

25 MR. LANGLOIS: Before I carry on with
26 my questions, my lord, I would like to state that at this
27 stage I want only to question Captain Puddister on the
28 administration and ask him some general questions about
29 the pilotage in St. John's. Captain Hancock will be called
30 later on to support this evidence since he has had more to



1 do with pilotage in St. John's.

2 Q. Captain Puddister, who is at present
3 the Chairman of St. John's Pilots' Committee?

4 A. I am, sir.

5 Q. How long have you been Chairman?

6 A. This is going into the second year.

7 Q. The brief which you have just introduced
8 as Exhibit 254, does it represent the general opinion of
9 all the members of your Pilots' Committee?

10 A. That is correct, sir.

11 Q. How many pilots are there in the St.
12 John's District?

13 A. Eight pilots, sir.

14 Q. Eight pilots?

15 A. That is right.

16 Q. Are they affiliated to any organization?

17 A. Members of the Canadian Merchant Service
18 Guild.

19 Q. All of them?

20 A. All except one.

21 Q. I think you have on Page 2 of your brief
22 a summary of your main recommendations. Do you have any
23 further comments to add to these recommendations, or do
24 you think that they represent an adequate resume of the
25 view of your pilots?

26 A. Yes, I think they represent adequate
27 views.

28 Q. Now, would you be in a position to supply
29 the Commission with the experience of each of your pilots?
30 I am speaking of sea experience, before they became pilots?



1 A. I have not the exact number of years of
2 each pilot at the moment, but I could have it in the morn-
3 ing. I mean, most of these men have been to sea for long
4 periods before becoming pilots.

5 Q. I have here a sheet prepared listing the
6 number of pilots with their experience. Would you read
7 it over and tell the Commission if this represents the
8 experience of each of your pilots? Have you yourself
9 checked the accuracy of this information?

10 A. I believe that is about correct, I would
11 say. I haven't checked it all. Most of these men have
12 been a long time at sea.

13 Q. Do you yourself know all of these men?

14 A. Yes, I know all of these men.

15 MR. LANGLOIS: My lord, I would like to
16 file this as Exhibit ?--

17 THE SECRETARY: 255.

18 MR. LANGLOIS: It is a statement of
19 the sea experience of the St. John's Pilots. I have only
20 one copy, but I can provide some additional copies in the
21 morning.

22
23 ---EXHIBIT NO. 255: Statement of Sea Experience
24 of St. John's Pilots.

25 Q. Now, Captain Puddister, would you tell
26 the Commission as to whether or not your pilots are
27 satisfied with the present setup of the pilotage operation
28 in St. John's?

29 A. I would say yes, the pilots are
30 satisfied with the present setup and the present working



1 conditions. The shifts which we work, five days on and
2 five days off, I believe that is satisfactory as well.

3 Q. Are you satisfied with all your dealings
4 with the Local Pilotage Commission?

5 A. Yes, we are very much satisfied with all
6 our dealings with the Local Commission.

7 Q. Do you feel that you are participating
8 to a satisfactory degree in the operation of the pilotage
9 system in St. John's?

10 A. Yes, I would say we are satisfied with
11 the participation.

12 MR. LANGLOIS: That is all.

13 CROSS-EXAMINATION BY MR. JACQUES:

14 Q. You said that you had many years ex-
15 perience at sea, and in particular that you were in command
16 of a coastal vessel; is that correct, sir?

17 A. Yes.

18 Q. And you had experience deep sea?

19 A. Yes, sir.

20 Q. You have a master's ticket?

21 A. Yes.

22 Q. How long were you an officer on board
23 merchant ships?

24 A. About eleven or twelve years altogether.
25 Approximately twelve years.

26 Q. During those twelve years did you have
27 occasion to sail foreign going?

28 A. Yes, I sailed to the U.K., to Europe and
29 South Africa and South America, India, and down through
30 Panama to Equidor.



1 Q. What companies did you sail with?

2 A. I sailed the West Indies trade with the
3 Canadian National Steamships, and I sailed for four years
4 with Acadia Overseas Freighter, that is deep sea, to
5 Africa and India. I sailed as second mate and first mate.

6 Q. You sailed as second mate and first mate
7 on those ships?

8 A. Yes.

9 Q. What was the tonnage of those ships?

10 A. Ten thousand dead weight, about 7,200
11 gross tonnage.

12 Q. How much water would they draw, approx-
13 imately?

14 A. Twenty-six, $11\frac{1}{4}$ is the exact loaded
15 draught.

16 Q. What sort of cargo did they carry?

17 A. All general cargo.

18 Q. During the course of those travels I
19 dare say that you had occasion to enter many harbours?

20 A. Many.

21 Q. Many harbours; did your ships take pilots
22 when you entered those harbours?

23 A. Always took pilots.

24 Q. Always took pilots?

25 A. Always took pilots, glad to have them.

26 Q. Now, I should like an answer, from your
27 own personal knowledge, and from what you have seen of
28 the approach to the harbours that you were at, how did
29 the pilots proceed to take the ship in the harbour or out
30 of the harbour; what did he do to perform his duties?



1 A. Well, when coming up to a pilot station,
2 depending on the load, you reduce the speed of the ship
3 when you are approaching the pilot station, a mile and a
4 half or two miles, and of course you stop or go dead slow,
5 pick up the pilot, and the master handed the ship over to
6 the pilot.

7 Q. What do you mean by "the master handed
8 the ship over to the pilot"?

9 A. He said, "All right, pilot, she is all
10 yours; you proceed." The Americans have a saying, "You
11 take the con"; the Americans use ---

12 Q. Did you sail in American ships?

13 A. Yes, I sailed in the United Fruit
14 Company as well.

15 Q. Then, what does the pilot do?

16 A. The pilot then takes command of the ship
17 to enter the harbour and gives all the orders to the
18 wheelsman and the third officer who is handling the
19 telegraphs. He repeats the orders to him, what to do.

20 Q. Does the pilot give any order to anyone
21 else?

22 A. He tells the Captain what he wants, if
23 he wants to tie up portside or starboard side or have
24 his anchors ready.

25 Q. Among the orders he gives are there
26 any orders which do not relate to the navigation of the
27 vessel or to its docking or undocking?

28 A. I don't get what you mean.

29 Q. Are the orders given by the pilot in
30 reference only to the navigation of the ship, the special



1 handling of the ship in harbour?

2 A. Yes, like quarantine regulations, things
3 like that, the Captain will ask the pilot about local
4 quarantine regulations. I would say that everything,
5 most of it concerns the docking of the ships.

6 Q. And safe navigation?

7 A. And safe navigation of the vessel in the
8 water.

9 Q. From your own experience strictly,
10 not from what you have heard or what you have been told,
11 does that apply to every port that you have visited?

12
13 A. I would say, yes, in those large vessels,
14 just about the same all over.

15 Q. All over, in all countries, which you
16 have mentioned. Now, what was the name of the ship of
17 which you were master on the coast of Newfoundland?

18 A. I was master of the S. S. Glencoe on
19 the coast.

20 Q. Yes?

21 A. And the motor vessel Henry W. Stone on
22 the coasting trade, master of the motor vessel Bonavista
23 on her voyage from Scotland to Newfoundland.

24 Q. Glencoe, Stone and Bonavista; how long
25 were you on the Glencoe?

26 A. I was approximately two and a half years
27 there.

28 Q. As master?

29 A. Not as master all the time, sometimes
30 I would be first officer first mate there.



1 Q. How long were you master?

2 A. On the Glencoe I would say approximately
3 a year.

4 Q. A year?

5 A. Off and on.

6 Q. Off and on the total time that you served
7 as master on that ship was about a year?

8 A. Approximately.

9 Q. It took you about a year and a half to
10 serve what time as master and to serve what time as mate?

11 A. I was two and a half years on her al-
12 together.

13 Q. Yes, and the rest of the time you were
14 mate?

15 A. Yes sir, I was mate.

16 Q. What was her tonnage?

17 A. 676 gross.

18 Q. 676 gross, and net?

19 A. 333.

20 Q. What was her length?

21 A. 208 feet overall.

22 Q. And her draught?

23 A. Her draught about 18 feet.

24 Q. Was she propelled by diesel or steam?

25 A. Steam engine.

26 Q. Oil burning or coal burning?

27 A. Coal burning.

28 Q. When was that?

29 A. About four years ago they scrapped her.

30 I had her last, brought her in here and



1 they scrapped her. They towed her to Sorel, and scrapped
2 her, Louis Simard towed her away.

3 Q. Where did she trade when you were master
4 and mate on her?

5 A. We used to trade in the Gulf, Sydney,
6 Port aux Basques, Argentia, sometimes from Mulgrave to
7 Argentia, and Port aux Basques, when Sydney was ice-bound.

8 Q. Sydney, Mulgrave, Argentia, Port aux
9 Basques?

10 A. We also traded out of Port aux Basques,
11 down through the Straits as far as Blanc Sablon to these
12 boats and up into White Bay.

13 Q. And back into St. John's?

14 A. And back into St. John's regularly.

15 Q. How many trips did you make to St.
16 John's when you were master?

17 A. Oh, I made several trips, I don't know
18 the exact number, but in the Henry Stone as well.

19 Q. Did you take pilots?

20 A. No, I did not take pilots.

21 Q. At St. John's?

22 A. No.

23 Q. Why?

24 A. Well, the coastal vessels, they never
25 did take pilots?

26 Q. Why?

27 A. It was not the practice, they never
28 took them.

29 Q. Why?

30 A. I don't know why.



1 Q. Way didn't you take a pilot?

2 A. Well, the coastal vessels don't take
3 pilots, the C.W.R. Coastal Vessels, nor the ones under a
4 thousand tons.

5 Q. I would like to know the reason why.

6 A. They don't take pilotage; when they trade
7 into Newfoundland Ports they don't take pilotage.

8 Q. Yes. But when the Glencoe traded out
9 of Newfoundland you must have paid pilotage?

10 A. Of course I would not know what went on
11 in the office, but when we would leave here we would go
12 up to Sydney and Mulgrave and so on, and then maybe we
13 would come from Argentia to St. John's, but did not take
14 pilotage.

15 Q. When you go from Sydney --

16 A. Come down from Sydney to Argentia with
17 trade and come down to St. John's light, and did not take
18 pilotage.

19 Q. You did not take pilots entering St. John's
20 harbour in the Glencoe?

21 A. No, I didn't take a pilot in the Bonavista.

22 Q. I am talking about the Glencoe?

23 A. Right.

24 Q. When you went to Argentia with the
25 Glencoe was there any pilot available there?

26 A. No pilots there.

27 Q. What about Port aux Basques?

28 A. There is a pilot there.

29 Q. Did you take a pilot?

30 A. I never took a pilot there.



1 Q. In Sydney?

2 A. Sydney, I never took a pilot.

3 Q. Why?

4 A. Well, I was able to do the job myself
5 and nobody told me to take a pilot - of course nobody told
6 me not to, but I did the same as all the rest of the
7 masters of the C.N.R.

8 Q. How long had you been trading in and
9 out of St. John's before you became master on the Glencoe
10 which I understand was your first ship as master?

11 A. No, Bonavista was my first ship.

12 Q. Let's carry on with the Glencoe.

13 A. I had been trading in and out several
14 times here.

15 Q. All your life?

16 A. Well, I would not say all my life; I
17 have made frequent trips here, back and forth.

18 Q. Were you mate then?

19 A. I was mate.

20 Q. That is for how many years approximately?

21 A. Oh, it would be I think several years
22 out of here, of course, but it could be six or seven
23 years going back and forth.

24 Q. Now, with regard to the Stone. What
25 was her tonnage?

26 A. 265 gross tons.

27 Q. And net?

28 A. 199.

29 Q. And her length?

30 A. 140 feet.



1 Q. And her draught?

2 A. Draught about 12 or 12.6, that was her
3 draught.

4 Q. In what capacity did you serve on her?

5 A. I was master.

6 Q. How long did you serve as master?

7 A. I believe four months I was on her.

8 Q. Four months; what type of ship was she?

9 A. A wooden vessel, diesel powered.

10 Q. A cargo ship?

11 A. A cargo ship.

12 Q. What sort of cargo did she carry?

13 A. General cargo.

14 Q. Between what ports?

15 A. Sent down north to Lewisporte; sometimes
16 we would load in Lewisporte and go around the coast.

17 Q. That is a fairly small ship?

18 A. Yes.

19 Q. I dare say you did not take a pilot?

20 A. I never took a pilot.

21 Q. What year was that on the Stone?

22 A. On the Henry Stone, oh, I believe it was
23 1957.

24 Q. And the Glencoe?

25 A. I was on the Glencoe in 1956 and part of
26 1957 and 1958.

27 Q. And now, when did you become a pilot?

28 A. I became a pilot in 1959.

29 Q. When you got off of the Glencoe?

30 A. Yes.



1 Q. And the Bonavista, what sort of ship was
2 she?

3 A. She was a passenger ship owned by the C.
4 N.R.

5 Q. And what is her tonnage?

6 A. She is 1174 gross tons, 1,174 gross tons,
7 575 net; 215 feet long; 35 feet beam.

8 Q. How many passengers would she carry?

9 A. She is equipped to carry 90 passengers.

10 Q. Does she carry any cargo also?

11 A. Carries cargo as well.

12 Q. How much, approximately?

13 A. She has got 30,000 cubic feet space.

14 Q. Did she carry any cars, automobiles?

15 A. Automobiles once in a while on deck.

16 Q. She was not equipped to carry automobiles?
17

18 A. No, sometimes on deck.

19 Q. Where did she trade?

20 A. The trip I took her out from Scotland
21 new; I did not trade in the coastal trade.

22 Q. You got her?

23 A. I brought her from Scotland when she was
24 new, right from the yards. to St. John's.

25 Q. That was the only time you sailed on
26 her?

27 A. On her, yes. I served over there when
28 she was being fitted out for three weeks. and made the
29 voyage out from Scotland.

30 Q. And you were master then?



1 A. I was master then and then I went back to
2 Scotland to bring out another ship, a sister ship, the
3 Nonia. I went back to Scotland for that ship.

4 Q. She was then a sister ship?

5 A. A sister ship.

6 Q. She had the same dimensions, same tonnage?

7 A. The same thing identically.

8 Q. Where did you take the Bonavista?

9 A. From Aberdeen, Scotland, to St. John's.

10 Q. Right here?

11 A. Yes.

12 Q. Did you take a pilot when you came in?

13 A. Yes, I took the pilot at St. John's.

14 Q. Why?

15 A. We were coming from a foreign voyage and
16 we had to pay the pilotage.

17 Q. Was the weather clear?

18 A. A nice day like this one.

19 Q. Did you take a ship into St. John's
20 before that on your own?

21 A. No, not as a master.

22 Q. The second ship which you mentioned, which
23 you took from Aberdeen to St. John's also?

24 A. The second ship I was sent out as first
25 mate; Captain Dalton was the Chief Marine Superintendent;
26 he was sent out as master.

27 Q. Going out to make the trip?

28 A. Yes, making the trip from Scotland to
29 St. John's.

30 Q. She came to St. John's?



1 A. Yes.

2 Q. Did she take a pilot?

3 A. She took a pilot then.

4 COMMISSIONER SMITH: Mr. Jacques, while you
5 are looking up your paper I should like to ask this witness
6 a question or two.

7 Do I understand you to say, Captain, that you
8 served on some American registered ships of the United
9 Fruit or the United Shipping Company?

10 THE WITNESS: Fruit company ships; they
11 were registered in Honduras, but they were sailing as -
12 for the fruit company strictly.

13 COMMISSIONER SMITH: They were engaged
14 in coastal trade?

15 THE WITNESS: They were engaged in the
16 banana trade from Panama, Ecuador and Columbia to Mobile
17 and New Orleans, Baltimore and New York, carrying general
18 cargo --

19 COMMISSIONER SMITH: And they took a pilot
20 in each one of those ports?

21 THE WITNESS: Yes, they always took a
22 pilot except maybe a couple of banana ports where there
23 was probably no pilots available and the captain did the
24 docking.

25 COMMISSIONER SMITH: One other question,
26 Captain. At the noon adjournment I went down to the
27 waterfront and went on board the Cape Freels, which is
28 a government fisheries patrol boat. I had a good look up
29 and down the harbour. I looked out towards the Narrows
30 and saw a very large ship coming through. I watched it



1 coming through; it was going very slowly, and the thought
2 occurred to me, are there any regulations with regard to
3 the speed of vessels going through that part of the harbour,
4 the Narrows. I looked in the by-laws and I could not find
5 any. I am not saying the regulations were not there but
6 I could not find them. I cannot seem to find anything
7 anywhere else. Are there any regulations with regard to
8 the speed of vessels passing through the Narrows?

9 THE WITNESS: I have never seen any
10 regulations stating what speed you must pass through the
11 Narrows, but it is up to the judgment of the pilot. They
12 always proceed at slow speed. The pilot, of course, when you are
13 inbound
14 you have not got very much room inside to manoeuver, and
15 so you must come at slow speed. It is the judgment of the
16 pilot.

17 COMMISSIONER SMITH: It is the judgment
18 of the pilot?

19 THE WITNESS: It is the judgment of the
20 pilot; I have never seen any regulation.

21 COMMISSIONER SMITH: I could not find any
22 and I just wondered whether there were any. Thank you very
23 much, Captain.

24 BY MR. JACQUES:

25 Q. Now, you are the Chairman of the St.
26 John's Pilots' Committee. When was that Committee created?

27 A. I believe approximately five years ago
28 it was.

29 Q. Were you a pilot then?

30 A. No, I was not.

Q. You were not a pilot. Do you know the name



1 of the person who formed this Committee?

2 A. No, I don't know the name.

3 Q. Would you find it, please?

4 A. I can find out.

5 Q. Do you keep ~~minutes~~ of meetings of the
6 Committee?

7 A. We do.

8 Q. Do you have a Minute Book?

9 A. Captain Hancock, I believe has some;
10 he is the Secretary.

11 Q. He is the Secretary?

12 A. Captain Hancock is the Secretary, yes.
13 He keeps the minutes.

14 Q. What is the purpose of this Committee?

15 A. Well, to iron out any little problems
16 or anything that may arise, looking after some of the
17 new navigation aids, or anything like that. We always hold
18 a meeting and thresh it out before we do anything or write
19 any letters or anything; any little problems that come
20 up, they are always dealt with at a meeting.

21 Q. Now, does this Committee incur any expenses
22 of any kind?

23 A. No.

24 Q. It does not handle money at all, does
25 it?

26 A. No, the Committee does not; the two
27 master pilots, of course, they handle the money. As you
28 know, they collect it.

29 Q. They collect the money?

30 A. They collect it; they send out all bills



1 and collect all funds for pilotage.

2 Q. How are people nominated to this Committee?

3 A Nominated from the floor by the members.

4 Q. By the members; do you mean they have
5 an election?

6 A. They have an election; every year they
7 elect a new Committee or they decide to elect the old one;
8 they stay and carry on.

9 Q. Have you adopted any particular rules
10 of procedure for this Committee, for elections and minutes
11 of meetings, and so on?

12 A. Well, there have been several Chairman
13 since I came here and usually it is a different Chairman
14 every year. Each member has a turn at it, except the
15 Secretary, of course; he is an old standby; he is there
16 for keeps, I guess.

17 Q. As all Secretaries, they always work
18 and never participate in the glory of office?

19 A. And, of course, all along the newer
20 members of the pilotage service, they are elected unto these
21 Committees to become familiar with the dealings and every-
22 thing like meetings with the Commission and Harbour Master
23 or on any problems.

24 Q. Is there a written set of procedures
25 for your Committee?

26 A. Not that I know of.

27 Q. Would it be fair to say that things are
28 managed by tradition and custom, and so on?

29 A. More or less the same tradition as when
30 I came more or less goes on.



1 Q. You follow it up?

2 A. I follow it up, the same line.

3 MR. JACQUES: I wonder whether my learned
4 friend would be good enough to let us have the Minutes of
5 the Pilots" Committee in order that we may look at them
6 and if there is anything that interests the Commission
7 we might have them filed?

8 THE CHAIRMAN: Not now.

9 MR. JACQUES: Not just now.

10 THE CHAIRMAN: After the adjournment.

11 BY MR. JACQUES:

12 Q. Now, you have stated that the brief
13 filed as Exhibit 5 254 contained the general opinion of the
14 pilots?

15 A. That is right, sir.

16 Q. How did you ascertain that it contains
17 the general opinion of all these pilots?

18 A. Well, we held a meeting and it is the
19 views of all the pilots combined more or less and this
20 was put into form, made up by the Secretary.

21 Q. Tell me how you proceeded? Everybody
22 gathered together and somebody wrote down what was taking
23 place at the time?

24 A. Anybody that had ideas came along with
25 them and they were all threshed out and given to the
26 Secretary and he handled the brief more or less made it
27 up.

28 Q. He wrote this brief?

29 A. The Secretary wrote it; the Secretary
30 made up the brief.



1 Q. Was it submitted to each and every
2 pilot before being sent to the Royal Commission?

3 A. Yes.

4 Q. To the best of your knowledge did any
5 pilots ever make any comments, adverse or otherwise, on
6 the brief as it now is?

7 A. There may have been a few little changes,
8 but that is about all.

9 Q. When you discussed the various ideas,
10 or the conclusions which are contained, particularly in
11 Page 2 of your Brief, Exhibit 254, were any dissenting
12 opinions voiced by the pilots on any item?

13 A. No, I don't recall any.

14 Q. You wouldn't recall?

15 A. No, I don't remember.

16 Q. Did every pilot have an opportunity to
17 express his opinion on this brief?

18 A. Yes, every pilot did.

19 Q. How did they have this opportunity?

20 A. Well, at the meeting of course everyone
21 was asked for any ideas they had, to bring them along and
22 they would be thrashed out in the making up of the brief.

23 Q. Was every pilot present at each and
24 every meeting held to discuss the brief?

25 A. I would say yes, every pilot was there.

26 Q. Are you sure they were?

27 A. There may have been one pilot had to leave
28 an hour or so to do a job.

29 Q. How many meetings approximately did you
30 have to draft the brief as it is?



1 A. Probably it could be two or three.

2 Q. Two or three meetings?

3 A. Two or three meetings.

4 Q. You said that all the pilots save one
5 are members of the Canadian Merchant Service Guild?

6 A. Yes.

7 Q. That intrigues me. Would you know the
8 reason?

9 A. Well, I wouldn't care to. Every man
10 has his own reasons. If that man has a reason for pulling
11 out of the union I wouldn't like to --

12 Q. Surely you are aware of the reason?

13 A. Well, I have an idea of what happened,
14 but I don't care to give any information on why the man
15 left, or anything.

16 Q. He left, did he? He was in the Guild
17 and he left it?

18 A. He was a member of the Guild, yes.

19 Q. Did he leave the Guild of his own accord,
20 or was he thrown out?

21 A. Oh, no, he left of his own accord. He
22 wrote several letters and requested some information, to
23 which he didn't get a satisfactory reply, so that was why
24 he left.

25 Q. Was it information connected with pilots?

26 A. It was information connected with some
27 matter. I just forget off hand. It was not about pilotage
28 I don't think.

29 Q. You are sure it was not about pilotage?

30 A. I don't think so.



1 Q. You said that all the pilots are satisfied
2 with the present setup of the working conditions, five
3 days on and five days off?

4 A. That is correct.

5 Q. Are you satisfied with your quarters
6 at the pilot station?

7 A. Well, there could be a big improvement
8 in our quarters.

9 Q. Are you satisfied with the present pilot
10 boats?

11 A. I would say we need a new pilot boat now.

12 Q. Well, it has been operated by the Depart-
13 ment of Transport since 1960, is that right?

14 A. That is right.

15 Q. And prior to that it was operated
16 by whom?

17 A. The Commission handled the boats, under
18 the Harbour Master, of course, and under the pilots'
19 supervision. The Harbour Master was Secretary of the
20 Commission, and he wanted to look after all the financing,
21 and of course any repairs, or anything. Maybe he would
22 talk it over with the pilots before the work was carried
23 out.

24 Q. But who looked after the boat physically?

25 A. She had a refit once a year, and she
26 was lifted out of the water, and the bottom would be
27 cleaned and painted, and any necessary repairs would be
28 made by a private shipping concern that repair boats.

29 Q. Did the pilots have any say in the refits
30 which were carried out, the repairs which were made, and



1 the improvements which were made?

2 A. Yes, the pilots did act in that capacity,
3 and more or less supervised the repairs, and so on.

4 Q. From the time they were constructed for
5 the pilots?

6 A. Yes.

7 Q. So then, would it be fair to say that
8 prior to the Department taking over the boats, that the
9 boats were actually looked after by the pilots?

10 A. Yes, they were under the supervision of
11 the pilots.

12 Q. Yes, I am sure you didn't go painting
13 and scraping them yourselves, but were you the ones who
14 saw that it was done?

15 A. That is correct.

16 Q. And when she was in the repair yard
17 did any of the pilots go aboard here?

18 A. We used to visit the boats and see how
19 the work was coming on, and so on.

20 Q. How old are they now?

21 A. One boat is 15, and the other is 10,
22 I believe.

23 Q. Are you familiar with wooden boats?

24 A. Yes.

25 Q. How much experience have you had in
26 wooden boats?

27 A. I have had quite a lot.

28 Q. Well, what is it?

29 A. I have been in fishing boats a lot of my
30 life, in the early days, and I have had the opportunity



1 to repair boats, and build boats, and so on like that.

2 Q. Wooden boats?

3 A. Yes.

4 Q. These fishing boats that you mentioned,
5 what was their size?

6 A. Thirty feet and 35 feet long, and right
7 now I have a boat 46 $\frac{1}{2}$ feet long building.

8 Q. Roughly the same size as the pilot boat?

9 A. Yes.

10 Q. A good fishing boat, well looked after,
11 how long does it last?

12 A. Fifteen to 20 years. A fishing boat is
13 usually taken out of the water in the fall of the year, and
14 it is put inside, in a shed or something, for the winter.
15 So there is no snow or nothing on the boat, and she is
16 put out in May, so she has spent six months out of the
17 water. That boat would last much longer than a boat around
18 the harbour all year long.

19 Q. And you say she would last 15 to 20
20 years?

21 A. Yes.

22 Q. Would you say that a fishing boat, when
23 it is working, works harder than the pilot boat?

24 A. No, I would say the pilot boat works
25 harder than the fishing boats. A fishing boat doesn't
26 get any hard knocks like the pilot boats do, on the side
27 of the ships.

28 Q. Now would you care to explain to the
29 Commission the reasons why the present watch system was
30 adopted, if it was adopted in your time, five days on and



1 five days off?

2 A. That was adopted long before my time.

3 Q. So that it existed when you became a
4 pilot, you worked five days on and five days home?

5 A. Yes. That is five complete days, 24 hours
6 days.

7 Q. Where do you spend those five days
8 on duty?

9 A. In the pilot station.

10 Q. How many of you are there?

11 A. Four in each watch.

12 Q. Are the four of you always there?

13 A. Yes.

14 Q. Twenty-four hours a day, always there?

15 A. One may be gone for a half an hour or
16 so, but he is always in telephone reach.

17 Q. You never go to a show?

18 A. Never.

19 Q. And you never go and have a coffee,
20 or a short visit to someone?

21 A. We make our own coffee.

22 Q. You don't trust the coffee you get in
23 restaurants?

24 A. We go home once in a while for a shower,
25 or something like that.

26 Q. Do you go away sometimes from the pilot
27 station?

28 A. Yes, if you want to go up the street
29 for five minutes, and we know nothing is coming.

30 Q. But if you didn't expect any ships on a



1 nice afternoon like this, you wouldn't go home?

2 A. No.

3 Q. You stay there?

4 A. Yes.

5 Q. All of you?

6 A. Yes.

7 Q. The whole four?

8 A. Well, we may go somewhere for a half an
9 hour or something like that.

10 Q. But if you didn't expect any ship,
11 you would stay there all the time, all of you?

12 A. Yes, well, one would be gone maybe a
13 half an hour, and then another.

14 Q. Never more than half an hour?

15 A. Well, it could be an hour and a half, but
16 the one that is gone, we can always reach him in four or
17 five minutes by telephone.

18 Q. Does it happen that more than one would
19 go?

20 A. Well, not usually.

21 Q. It does happen?

22 A. It could happen that one would go and
23 come back, and another would go.

24 Q. Well, there is always one there?

25 A. There is always more than one. There is
26 always two, and mostly three.

27 Q. But one may be away for a half hour,
28 an hour and a half, an hour?

29 A. Yes, when the master pilot is making out
30 bills, or anything, maybe one or two of us may be delivering



1 the bills and collecting money for half an hour. We may
2 go to Furness Withy or Blue Peter.

3 Q. And it would not take more than half an
4 hour?

5 A. No.

6 Q. What about Bowrings?

7 A. They send a man down to the pilot station.

8 Q. But it does happen that sometimes a
9 pilot goes home?

10 A. It does happen yes.

11 Q. I am sure there will be objections to
12 this question, but I will ask it just the same. What do
13 you do during your time off?

14 A. Well, some may have different hobbies.
15 Most of the time we are around the town, at home, and we
16 are always on standby in case there is any overflow of
17 ships come. We get a telephone call and we come back to
18 work.

19 Q. Does it happen that one of you would
20 take on a job as coastal pilot, say for instance to go from
21 St. John's to Botwood, or to Lewisporte?

22 A. It has happened a few times.

23 Q. Has it happened to you?

24 A. I have not been up to Botwood, no.
25 I have been down to Catalina on one occasion.

26 THE CHAIRMAN: Coastal pilot, this does
27 not come under any Commission around here?

28 MR. JACQUES: No my lord.

29 THE CHAIRMAN: So it is an independent
30 venture?



1 MR. JACQUES: I was just coming to describing
2 this word.

3 THE CHAIRMAN: We will adjourn until
4 tomorrow morning at 10:00 o'clock.

5
6 ---At 5:00 P.M. the Hearing was adjourned until
7 10:00 A.M. on May 1, 1963.

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

ST. JOHN'S

NFLD.

VOLUME No.:

20

DATE:

May 1, 1963

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Court House,
St. John's, Newfoundland, on
the 1st day of May, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq., Q.C.	Member
Harold A. Renwick, Esq.	Member

Mr. F.S. Morissette	Asst. Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques

Mr. Leopold Langlois, Q.C.	For the Canadian Merchant Service Guild for the St. John's Pilots' Committee.
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Also Present:

Capt. J.S. Scott, Nautical Advisor
to the Commission



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St. John's, Newfoundland,
Wednesday,
May 1st, 1963.

1
2 ---On commencing at 10:00 a.m.

3
4 MR. JACQUES: My lord, before we go on with the
5 examination of witnesses for the St. John's District, I
6 wish to advise the Commission that Mr. Stark, a Member
7 of Parliament for the Lewisporte District, is in attendance
8 before the Commission. He is a member of the Lewisporte
9 Chamber of Commerce, and he would like to file a brief
10 now since he has to return to Parliament in a very few
11 moments.

12 THE CHAIRMAN: That is quite all right.

13 MR. JACQUES: Mr. Stark. I do not think it is
14 necessary to have the man sworn in because he will not be
15 giving evidence.

16 THE CHAIRMAN: Yes.

17
18 HAROLD STARK

19
20 BY MR. JACQUES:

21 Q. Would you state your full name, please?

22 A. Harold Stark.

23 Q. What is your occupation?

24 A. Member of the House of Assembly for
25 Newfoundland.

26 Q. Are you also a member of the Lewisporte
27 Chamber of Commerce?

28 A. Yes.

29 Q. Would you file as Exhibit number ---?

30 THE SECRETARY: 256.



1 Q. 256, a brief presented by the Lewisporte
2 Chamber of Commerce to the Royal Commission as regards
3 pilotage in Lewisporte?

4 A. Yes.

5 Q. Would you care to address the Commission
6 on any point, sir, or make any comments that you wish?

7 A. Your lordship, distinguished gentlemen,
8 I merely wish to file the brief on behalf of the Lewisporte
9 Chamber of Commerce. I must confess I am not too
10 familiar with the Lewisporte Harbour Commission, although
11 I was mayor of Lewisporte for six years. They didn't give
12 me any trouble, and consequently I am not too familiar
13 with the workings of the Commission. However, with us
14 there is a member who I feel, sir, would answer any
15 questions which may come up, because I don't feel competent
16 to answer any technical points regarding it.

17 However, your lordship, members of the Commission,
18 I would like on behalf of Lewisporte to extend an invita-
19 tion to you to visit Lewisporte and although I cannot at
20 this time present you with the keys of the town, having
21 resigned a few years ago, I am sure the present mayor
22 will make you welcome.

23 That is about all, sir. If there are any
24 questions that I can answer, I would be very glad to do
25 so, but I am afraid I am not familiar enough with the
26 Lewisporte Pilotage Commission and the technical aspects
27 of it. I believe they do a good job on it.

28 MR. JACQUES: Thank you, sir. Captain
29 Puddister.

30 ---EXHIBIT NO. 256: Brief of Lewisporte Chamber of Commerce.



FRANK PUDDISTER

FURTHER EXAMINATION BY MR. JACQUES:

Q. On your same oath, sir, we shall continue the further examination which was started yesterday.

We were talking about what you were doing on your days off, and I believe we were discussing this coastal pilotage which all the pilots do during their time off. Would you explain to the Commission what is this coastal pilotage?

A. My lord, it is ships that come from foreign ports requesting a pilot for Botwood, Lewisporte and possibly Baie Verte, and some of the northern ports. They request a man with local knowledge.

Q. By local knowledge do you mean local knowledge of Lewisporte and Botwood or local knowledge of the coast?

A. Local knowledge of the coast and knowledge of the inside runs so as to avoid ice in rough weather conditions; and local knowledge of the docking in some ports.

Q. Which ones, for instance?

A. For instance, Baie Verte, Catalina and Botwood. They do have harbour pilots there who take over at the entrance to Botwood.

Q. Does it happen that the St. John's pilot, in taking a ship to Botwood, does the piloting in Botwood, docking the ship?

A. Not to my knowledge.

Q. Is this coastal pilotage done frequently



1 by the St. John's pilots?

2 A. It was done frequently for about a year,
3 but there hasn't been anything done since the first of
4 the year; I don't think there has been any of it.

5 Q. You mean the first of this year, 1963?

6 A. Yes.

7 COMMISSIONER SMITH: Excuse me, Mr. Jacques.

8 What type of shipping makes that route? All
9 kinds?

10 THE WITNESS: In most cases it is large ships,
11 like ore carriers, paper ships, ships of 8,000 or 10,000
12 tons, where the master doesn't have knowledge of the
13 inside runs and they request a local pilot. In some
14 cases tankers request a pilot, and it is all on the same
15 lines.

16 Q. Why has this been discontinued from the
17 first of the year by the St. John's pilots?

18 A. Of course, during the winter months there
19 is ice north and there is not much trade, and usually in
20 the spring there is some trade. But so far this year I
21 don't think there are too many ships have gone north.
22 We more or less did try it out for a year, but we gave it
23 up.

24 Q. So this is something deliberate which
25 you are going to stop doing; you are not doing anymore
26 coastal pilotage?

27 A. Not as a group.

28 Q. But it was tried out as a group?

29 A. Yes.

30 Q. Why did it not work?



1 A. You may be requested to go and stay too
2 long.

3 THE CHAIRMAN: A question of detention?

4 THE WITNESS: Yes, a question of detention, and
5 it was dropped.

6 Q. What would be the fees that you would
7 charge as a coastal pilot to take a ship, say, from St.
8 John's to Botwood or Lewisporte?

9 A. Depending on the tonnage of the ship, it
10 was based on, I believe, one cent per gross ton and
11 fifty cents per mile. I think that was the basis.

12 Q. That was the basis?

13 A. Yes.

14 Q. Was this basis accepted by all your
15 pilots here?

16 A. As far as I know, all the pilots in our
17 group ---

18 Q. Charged the same thing?

19 A. They all charged the same thing.

20 Q. Do you know if anyone else, apart from
21 your pilots here, did coastal pilotage?

22 A. Oh, yes. There were a few other pilots
23 who were in the trade for years, older pilots, and I
24 don't know what they charged.

25 Q. You wouldn't know?

26 A. No.

27 THE CHAIRMAN: Are you changing the subject,
28 Mr. Jacques?

29 MR. JACQUES: Yes, my lord.

30 THE CHAIRMAN: Before you change the subject,



1 is it very frequent that ships need pilots to go there?

2 THE WITNESS: My lord, in the spring, like in
3 the month of May when the ice conditions north are such
4 that you must go in the inside runs you do get frequent
5 calls for pilots.

6 THE CHAIRMAN: It is a sheltered run?

7 THE WITNESS: Yes, and sometimes there is a
8 heavy body of ice outside.

9 THE CHAIRMAN: So it comes only at that time
10 of the year.

11 THE WITNESS: And then coming around to the
12 fall, toward December, you get some tankers going north,
13 and, of course, the weather is getting bad and they want
14 to take the inside runs. But during good weather a lot
15 of ships go outside and do not take a pilot.

16 Q. Have the pilots kept any records of the
17 number of trips they made as coastal pilots?

18 A. Yes, there are records. I don't have
19 them at hand, but it has been kept.

20 Q. They have been kept?

21 A. Yes.

22 MR. JACQUES: Would you, Mr. Langlois, see if
23 we could have these records available to the Commission,
24 please?

25 MR. LANGLOIS: Yes.

26 Q. Now, sir, I show you Exhibit number 237,
27 which is chart 4490. Would you indicate in green, using
28 St. John's as a departure point, the routes which you
29 follow as coastal pilots to the various ports these ships
30 are taken?



1 A. (Witness complies). That is the course
2 for the inside run.

3 Q. Going to where?

4 A. That is going to Botwood or Lewisporte.

5 Q. Apart from these two ports, do you do
6 any coastal pilotage elsewhere, such as Wabana, Catalina?

7 A. Occasionally it has been done. Not too
8 much to Wabana, maybe one or two trips; maybe a couple
9 of trips to Catalina.

10 Q. How many trips would you have made in
11 the last two or three years to Botwood, that is the
12 pilots?

13 A. Not too many trips to Lewisporte. I don't
14 recall the number. I think the pilots have been there
15 one or two trips maybe. And Botwood, quite a few trips
16 to Botwood.

17 Q. How many a year, approximately?

18 A. Maybe ten or twelve trips a year.

19 Q. Maybe ten or twelve trips a year?

20 A. That is roughly the amount.

21 Q. Does it happen that the St. John's
22 pilot takes a ship right into Botwood and docks it?

23 A. Not to my knowledge. I have never done
24 it with a coastal ship.

25 THE CHAIRMAN: You just mentioned that from
26 the first of January your group has stopped doing that
27 pilotage?

28 THE WITNESS: Yes.

29 THE CHAIRMAN: What is going to happen with the
30 ships when they need some pilots there? Would they be



1 denied pilotage?

2 THE WITNESS: Not necessarily. There are other
3 pilots in the trade.

4 THE CHAIRMAN: Independent ones?

5 THE WITNESS: There are other pilots there,
6 some older ones, and there are always some new ones
7 trying to get into the trade, and we are giving these
8 men trips.

9 THE CHAIRMAN: But they are not licensed pilots?

10 THE WITNESS: They do not have a licence. They
11 have local knowledge, and most of them have been a master
12 on the coast.

13 THE CHAIRMAN: But they come to you?

14 THE WITNESS: Yes, the shipping companies
15 usually phone to the pilots' station for a coastal pilot,
16 and sometimes we give them the names of the people who
17 are interested, and sometimes they contact the people
18 themselves, and so on.

19 COMMISSIONER SMITH: My lord, following up your
20 lordship's questions, what has been their record? Have
21 they had any difficulties or casualties?

22 THE WITNESS: Well, our pilots have never had
23 any casualties or any difficulties at all. There have
24 been some in the past; other pilots outside of our group
25 have had a few accidents. I don't recall the number, but
26 I know it has happened that often a ship does get ashore,
27 not on this run but mostly on the Peckford run, Peckford
28 Island.

29 Q. Would you indicate it on Exhibit 237.

30 A. They used to use that run, going to



1 Peckford Island, and they used to have trouble getting
2 ashore there. But our men have not used that run.

3 Q. Are the other coastal pilots grouped
4 into an association of some kind?

5 A. Not to my knowledge. They are indepen-
6 dent men, operating on their own.

7 Q. Was there any pressure brought upon St.
8 John's pilots to discontinue this coastal pilotage job?

9 A. No.

10 Q. None whatever?

11 A. None whatever.

12 Q. Now, sir, you stated yesterday that you
13 were satisfied with the local Commission and the partici-
14 pation which you have in the operation of the pilotage
15 district. Would you care to elaborate on this partici-
16 pation which you have in the operation of the district?
17 What do you mean?

18 A. Well, we are satisfied with our dealings
19 with the Commission; we have never had any difficulties
20 in getting anything or any co-operation from the
21 Commission; we have always had first-class co-operation.
22 And we would like them to carry on, provided they get
23 the funds to meet the bills, and so on.

24 Q. Coming back again to these independent
25 pilots, do they use the D.O.T. pilot boat to board their
26 vessels?

27 A. The pilot boat is used to put pilots
28 aboard the ships.

29 Q. Are there any charges made for that?

30 A. Yes, there is a charge for putting an



1 outside pilot aboard; it is based on half pilotage, half
2 pilotage charged.

3 Q. If the ship is off St. John's and she
4 requires a coastal pilot to go to Botwood, what happens?

5 A. The pilot is taken in the boat.

6 Q. The coastal pilot?

7 A. Yes, the coastal pilot taken in the boat
8 and put aboard the ship.

9 Q. And the charge of half pilotage is made
10 to the ship?

11 A. To the ship.

12 Q. What about the boat charge?

13 A. There is a \$10 boat charge. That is a
14 maintenance fee. That goes to the D.O.T.

15 Q. But the charge is made?

16 A. Yes. The harbour pilot goes with the
17 coastal pilot, and in some cases boards the ship.

18 Q. Does he have his pink card signed by the
19 master?

20 A. In some cases; in some cases it is not
21 necessary to get it signed.

22 Q. How do you collect your money from the
23 ship, then?

24 A. Send the bills to the agents.

25 Q. Who established this half pilotage fee
26 for putting on board a coastal pilot?

27 A. That was established before my time. It
28 was established when I came to the pilotage station.

29 Q. So the ship which does not enter St.
30 John's but merely takes on a coastal pilot pays half the



1 pilotage fee to the St. John's pilot? A. pays half the
2 pilotage fee to the St. John's pilot.

3 Q. Then he passes the fees to the coastal
4 pilot?

5 A. That is right.

6 THE CHAIRMAN: Before you go any further, nobody
7 has any control over those pilots?

8 THE WITNESS: That is correct, my lord.

9 THE CHAIRMAN: They are free-lance pilots,
10 generally?

11 THE WITNESS: That is correct.

12 THE CHAIRMAN: For instance, right now if some-
13 one would like a pilot to pilot a ship up to Botwood if
14 a certain pilot has the right connections with the agents
15 he will get the ship?

16 THE WITNESS: That is correct, they could make
17 arrangements with the agents themselves, or in most cases
18 some men have left their names at the pilot station.

19 THE CHAIRMAN: Nobody would have any control
20 over them as to whether they would be qualified or not;
21 anybody could do the work; it is free?

22 THE WITNESS: Yes; well, in most cases the men
23 that are on it today are men who have local knowledge of
24 those runs.

25 THE CHAIRMAN: Nobody has any control over
26 them?

27 THE WITNESS: No, and they have no licences that
28 I know of.

29 THE CHAIRMAN: It is just like the old days?

30 THE WITNESS: Yes, more or less.



1 THE CHAIRMAN: On the other hand, since it is
2 not a year-round service it would not be self-supporting?

3 THE WITNESS: No; I do not believe there is
4 too much money in it.

5 THE CHAIRMAN: Now, would this pilotage happen
6 during your busy period?

7 THE WITNESS: Not necessarily; late in the fall
8 of the year we are not busy and when you get a rush of
9 tankers to go north in December, November, and so on like
10 that, the big ones -- in the month of May you get some
11 ships, paper ships going to Botwood, this happens early
12 in May, and it is usually the only rush that you get.

13 THE CHAIRMAN: Up to now this service has been
14 done as a group. What is the reason why you will not
15 discuss it and continue it?

16 THE WITNESS: Well, I don't ---

17 THE CHAIRMAN: Was there any disagreement with
18 the other group?

19 THE WITNESS: Not that I recall. Of course,
20 some pilots were qualified for it; there were others that
21 were not.

22 THE CHAIRMAN: That is all right; there would
23 be inspection there?

24 THE WITNESS: That is correct.

25 THE CHAIRMAN: If it is a service that has to
26 be given, and owing to the fact that it is not an all
27 year round service, you might be better off to do that?

28 THE WITNESS: Yes, that is right.

29 THE CHAIRMAN: Would there be any big objection
30 on your part as a group?



1 THE WITNESS: No, I believe that our men would
2 still go and do the job, I think as individuals, in their
3 time off, and so on like that, but they have not turned
4 it down right flat.

5 THE CHAIRMAN: It would not be during the time
6 off, it would be during the regular time of your regular
7 job. If for instance a district was established and you
8 were called to go it would be in your regular time?

9 THE WITNESS: Yes, I see what you mean.

10 THE CHAIRMAN: If it is a service that has to
11 be given.

12 THE WITNESS: Yes.

13 THE CHAIRMAN: It might be better to have it
14 done that way to guarantee the service?

15 THE WITNESS: Yes, I see what you mean.

16 THE CHAIRMAN: I was just wondering about this,
17 because we just came from the British Columbia coast
18 where they have coastal pilotage for the same reason.

19 THE WITNESS: Yes, that is correct; yes, that
20 could be given some thought.

21 Q. Have you yourself the intention to dis-
22 continue completely the giving of that service?

23 A. No, I have not.

24 Q. You have not?

25 A. No; I have gone to other ports like Bay
26 Bulls; we handle ships that go to Bay Bulls, a couple
27 of ships to Holyrood, and short runs like that. Where
28 ships request a pilot we go.

29 Q. How many of those trips would you make a
30 year, say last year?



1 A. Oh, last year, I probably made four or
2 five to Bay Bulls and I believe one to Catalina, and the
3 year before that ---

4 Q. How many to Botwood and Lewisporte?

5 A. I didn't make any to Botwood or Lewisporte.

6 Q. The year before?

7 A. I have not made any there as a pilot,
8 as I pilot I have not made them there, no; I did run
9 there in the coastal ship but I have not made any as a
10 pilot.

11 Q. Why was this work discontinued as a
12 group; what is the reason behind this decision, and
13 apparently it is a collective decision, of the pilots
14 not to provide that service? Is it because it is too
15 much work?

16 A. It would in some cases take a long period,
17 say, of detention, sometimes ten or twelve days has
18 happened.

19 Q. How many times?

20 A. In the spring of the year you could get
21 icebound down there and could be down there for two weeks.

22 Q. Where?

23 A. Anywhere in the run, you could be any-
24 where between here and Botwood.

25 Q. What about the other places, Holyrood
26 or Catalina or Long Pond?

27 A. They are only short runs, you see,
28 Holyrood, it only takes four to five hours to go to
29 Holyrood and to go to Catalina well, it is only 60
30 miles or so. It is only a short run; it is only a day.



1 Q. When you are on those runs do you return
2 with the ship, do you stay with the ship until it is
3 loaded and unloaded and return with her?

4 A. In some cases the pilot is returned
5 without the ship; if she was going to sail direct from
6 Botwood straight across the pilot came back by air or
7 something, and in some cases the pilot, say, in the tanker
8 is returned with the ship.

9 Q. Returns ---

10 A. To St. John's here, or off St. John's ---

11 Q. With the ship?

12 A. That is true.

13 Q. Have you ever been to Wabana as a pilot?

14 A. No, I was not actually as a pilot; I
15 was on a ship one time, a Norwegian ship, and it was too
16 rough to disembark in the entrance and I had to carry
17 on to Bell Island. The captain did take the ship to
18 Bell Island Pilotage Station.

19 Q. You were a passenger then?

20 A. More or less.

21 Q. More or less a passenger?

22 A. More or less a passenger.

23 Q. Would there be any objection to the St.
24 John's pilots taking over the coastal piloting for
25 Holyrood, Catalina and Long Pond, all these places that
26 are within a day's run?

27 MR. LANGLOIS: Excuse me. I do not think this
28 idea which was put out this morning by your lordship as
29 to the desirability of the St. John's pilots taking over
30 the coastal pilots as a group on a permanent basis has



1 been discussed among the pilots, and I do not think we
2 should ask this witness at this time to make a statement
3 in regards to the matter. If he does make a statement
4 it would be a personal statement. I would prefer that the
5 pilots had a chance to discuss this matter among them-
6 selves and this afternoon I could put on the stand either
7 Captain Puddister or another witness to give the views
8 of the pilots as a group on this matter. It is a new
9 idea which your lordship put forward this morning.

10 THE CHAIRMAN: I was wondering whether it was
11 a service that had to be rendered, and if it had to be
12 rendered it should be rendered with all safety possible.
13 It may well be that those who handle this service must
14 have local knowledge of the runs and would get a
15 sufficient return from it. If another group were formed,
16 for instance, and they just have to work for about a
17 month or so a year, it would be of no use because we
18 would not have any people to do it.

19 MR. LANGLOIS: Your suggestion is the St. John's
20 pilots take over. That is very attractive, and if the
21 pilots had a chance to discuss it among themselves they
22 might agree with the suggestion. I think in fairness to
23 Captain Puddister it might be better to delay this
24 question until he has had an opportunity to discuss it
25 with his colleagues.

26 MR. JACQUES: Any questions which I am asking
27 Mr. Puddister on these subjects are based on the under-
28 standing that he is giving a personal answer; it does
29 not represent the view of the pilots as a group.

30 Q. What would be the charge that you would



1 make to take a ship to Catalina?

2 A. The charge would be based on one cent
3 per gross ton and fifty cents per mile, and where there
4 is no pilot in Catalina to dock the ship we make the
5 same charge for docking the ship as we would in St.
6 John's.

7 Q. The same charge for docking the ship as
8 you would make in St. John's?

9 A. Yes.

10 Q. Would the same rates apply to all the
11 other places such as Long Pond, Holyrood ---

12 A. The same rates apply; Holyrood has the same
13 pilotage as St. John's.

14 Q. The same fee as you charge in St. John's?

15 A. The same fee for a tanker of any size
16 as St. John's.

17 Q. What about Clarendville?

18 A. Clarendville is like -- it would be fifty
19 cents a mile and one cent per gross ton.

20 Q. It is always on the same basis, fifty
21 cents a mile and one cent a gross ton, and if you do
22 the docking you charge for it?

23 A. If you do the docking you charge for it,
24 and if you do not do the docking you do not charge.

25 Q. In some instances there is a half pilot
26 fee plus boat charge?

27 A. In some cases a ship sails from St.
28 John's, say a small tanker sails from St. John's with no
29 pilot on board, and in that case there is no half pilotage
30 there is no boat.



1 COMMISSIONER RENWICK: Have we heard what the
2 detention is?

3 MR. JACQUES: I was coming to that, sir.

4 Q. Before we touch on that subject, these
5 ships that you take around the coast, what nationality
6 are they?

7 A. They could be any nationality. Usually
8 the little oil tankers are Irving tankers, the ships to
9 Holyrood are Norwegian, they could be Italian, Danish
10 ships. The ships to Botwood are usually English paper
11 boats, and so on like that.

12 Q. What would be their tonnage?

13 A. The paper boats are around seven or eight
14 thousand tons.

15 Q. Would that be gross tons?

16 A. That would be gross tons. Some of them
17 would be three to four thousand tons net; the small
18 tankers would be around 1,200 tons. The large tankers
19 to Holyrood are 14,000 gross tons.

20 Q. And your charge per ton would be on gross
21 tons, would it not?

22 A. The Holyrood is, of course, the same as
23 St. John's, based on net tons.

24 Q. The coastal ---

25 A. The coastal ships, one cent per gross
26 ton.

27 Q. Gross ton?

28 A. Yes.

29 Q. Now, these ships that you take around the
30 coast, are they newcomers to the coast or are they people



1 who have been plying the Newfoundland waters for some
2 years?

3 A. Some of the paper boats may be plying
4 for a number of years, maybe make one or two trips a
5 year, and of course the captain is not familiar enough
6 with the run to do it on his own, and, of course, the
7 tankers to Holyrood, they are all newcomers, Norwegian
8 tankers, all newcomers to this port.

9 Q. Can you say that as the master gets used
10 to the coast, becomes familiar with the coast, that he
11 does away with the service of the coastal pilot?

12 A. Well, that has happened in some cases.

13 Q. It has?

14 A. It has happened in some cases, when they
15 get used to the coast and a few trips into a port they
16 just do away with the coastal pilot.

17 Q. How many cases?

18 A. I would not be able to give the number,
19 a fair number, like some fish boats that go around the
20 coast, and the captain is doing it for three, four, or
21 five years, and they go to port without a pilot.

22 THE CHAIRMAN: These are small boats?

23 THE WITNESS: Quite small boats, 1,500, 2,000
24 tons.

25 Q. Gross or net?

26 A. Gross tons.

27 Q. They would dispense with the services
28 of a coastal pilot?

29 A. Yes, in some cases; in some cases the
30 ship has to go picking up fish around the coast and take



1 on a pilot, and he may have to go to 15 or 20 ports,
2 and then he would take the pilot to do the whole coast.

3 THE CHAIRMAN: What about the ore carriers,
4 the tankers, the bigger boats?

5 THE WITNESS: Most of these ships, when they
6 are going through the inside run they take on pilots.

7 THE CHAIRMAN: It does not depend on whether
8 it is the first trip, the second trip, or the tenth trip,
9 they always do that?

10 THE WITNESS: No, they always take a pilot.

11 Q. What about Irving tankers; how many years
12 have they been running here?

13 A. They have been running here for the past
14 four years that I know, that I have been here, I don't
15 know how long before that.

16 Q. To the best of your knowledge have they
17 always taken on coastal pilots?

18 A. In most cases when they are going on
19 coastal trips they do take pilots.

20 Q. Whether the captain may know the coast
21 or not?

22 A. Some of the captains have been new to the
23 coast and they change around a lot, and, of course, some
24 of them have been on the same tankers for a couple of
25 years, and they still take the pilots.

26 Q. Do you know some of those masters?

27
28 A. Yes, I do.

29 Q. That have been running here for a couple
30 of years?



1 A. I do know some of them have been running
2 here for a couple of years.

3 Q. As far as you can tell do you think they
4 know the coast?

5 A. Well, I would say that some of them know
6 a fair amount about it, and, of course, they want to make
7 time and they take in pilots so that they can make the
8 port whether the weather is foggy or whether it is bad.

9 Q. It is to save time when the weather is
10 not favourable?

11 A. To save time, that is correct. The pilot
12 usually knows all the best anchorages and so on like that,
13 and they save time by doing that.

14 Q. For the trip to Botwood, if a light were
15 installed on Funk Island do you think ships could dispense
16 with the service of coastal pilots?

17 A. Well, a light on Funk Island -- that is
18 the outside run -- that would not -- in the summer months
19 the ships go that way, anyway, so ----

20 Q. They go north of Funk Island during the
21 summer?

22 A. Some go on the outside, north of Funk
23 Island; some on the south when the weather is smooth and
24 not any of this undertow, they go outside. It would not
25 help going through the run, the light on Funk Island.

26 Q. Would ships stop going through the
27 inside passage and go around outside if a light were
28 installed on Funk Island?

29 A. I would say in the summer months when
30 there is no ice around the ships, a lot of ships would



1 go out.

2 Q. Would go out?

3 A. Not outside the island, on the inside,
4 in the run between Funk Island ---

5 COMMISSIONER SMITH: What is that island?

6 THE WITNESS: Funk Island. I would say a lot
7 of ships would go through this way.

8 Q. Would go inside?

9 A. Yes.

10 COMMISSIONER SMITH: How do you spell it.

11 MR. LANGLOIS: F-u-n-k.

12 Q. Would you say that a light on Funk
13 Island would facilitate navigation in that area?

14 A. It would help considerable I would say.

15 Q. Do you think that it might render less
16 valuable the services of coastal pilots?

17 A. Well, any ship that wishes to go through
18 this run, they would take a pilot.

19 Q. Why?

20 A. In the spring, when the ice is around,
21 there is a lot of ice out around Funk Island and every-
22 where else, and this run is usually clear.

23 Q. The inside passage?

24 A. If the wind comes from the west this run
25 will clear and they can get through there and they could
26 not get through outside.

27 Q. They could not go around the north of
28 Funk Island?

29 A. That is correct.

30 Q. They would have to go through on the



1 inside if they wanted to save time.
2 A. Yes, if they wanted to save time.

3 Q. Therefore, when the bay is jammed with
4 ice or when there is ice at Fogo Island or at Funk Island
5 they have to go through the inside passage which is
6 indicated in green pencil on chart 4490?

7 A. That is right.

8 MR. JACQUES: Thank you, sir, no further
9 questions.

10 COMMISSIONER SMITH: Have we brought out the
11 distances, and the hours it takes approximately?

12 MR. JACQUES: To some of the ports, sir. To
13 Long Pond and Catalina. Not to Botwood and not to
14 Wabana, because this pilot has not actually taken a ship
15 to Wabana as a pilot. He has been there, but he has not
16 taken a ship there.

17 COMMISSIONER RENWICK: Detention.

18 MR. JACQUES: No, it has not sir. If I may
19 be permitted, this evidence will be prepared by the
20 pilots and presented in a more logical form to the
21 Commission.

22 With your lordship's permission, I should like
23 to put on the stand Captain Davis and Mr. Hume. They
24 are from out of town, and they have been called to give
25 evidence as regards Long Pond.

26 DAVID HUME, Sworn

27 DIRECT EXAMINATION BY MR. JACQUES:

28 Q. Would you state your full name and age
29 please?

30 A. David Hume, 38.



1 Q. What is your occupation?

2 A. I am an engineer.

3 Q. Do you have among your ancestors the
4 philosopher Hume?

5 A. No sir. I wish I did.

6 Q. In whose employ are you sir?

7 A. I am in the employ of Newfoundland
8 Minerals Limited.

9 Q. And where has this company any plants
10 in Newfoundland?

11 A. At Manuels.

12 Q. Would you indicate Manuels to me on chart
13 4490, Exhibit 237, and place a red circle around it with
14 the letter M underneath please?

15 (The witness complies)

16 Q. What are the purposes and objects of
17 this company?

18 A. To mine and ship pyrophyllite to the
19 States.

20 Q. What is that?

21 A. That is non-metallic minerals.

22 Q. What do they do with that?

23 A. It is used in ceramic tile.

24 Q. You ship that to the U.S.A.?

25 A. Yes.

26 Q. How do you ship the mineral there?

27 A. It is carried by a cargo carrier.

28 Q. By ships?

29 A. Yes.

30 Q. Do you have your own ships?



1 A. No sir, we do not.

2 Q. Would you know whether the ships are
3 chartered or not?

4 A. Yes, they are chartered.

5 Q. They are chartered by your company?

6 A. Yes.

7 Q. What nationality are they?

8 A. We have had three. Two of them have been
9 German and one Norwegian.

10 Q. Would you be able to give us the tonnage
11 of these ships, roughly, to the best of your knowledge?

12 A. I could give you the tonnage that we put
13 aboard. As to the tonnage of the ships I don't know.

14 Q. Well, that might be sufficient.

15 A. 3,900 tons to one ship, 1,800 to another,
16 and 3,700 to the other.

17 Q. The larger ones, are they the German
18 ships?

19 A. Yes.

20 Q. How long have you employed these ships
21 for this carriage?

22 A. We have been shipping from Long Pond
23 since 1959. We started in 1959.

24 Q. Approximately what month?

25 A. November.

26 Q. Have you always had the same ships
27 chartered to your company?

28 A. No sir. I am sorry, I don't follow your
29 question.

30 Q. When you started shipping out goods, or



1 material, to the States, which ships were chartered by
2 your company then?

3 A. All of our ships to date have been
4 chartered by the company.

5 Q. But are they the same as are chartered
6 now?

7 A. No sir, it is a different ship.

8 Q. Was there any difference in tonnage
9 between the previous ones and the ones now?

10 A. Well, the first ship we had carried
11 the 3,700 tons. That was used for two years. The second
12 ship was the 1,800. That carried for just one season,
13 and for the last two seasons we have used one ship, the
14 same ship.

15 Q. Oh, you have one ship in operation. You
16 have chartered three ships since the beginning of your
17 operation, but you are only using one at a time. Is
18 that it?

19 A. No sir. One ship is chartered per year
20 for this operation. A different ship has been chartered
21 at different times.

22 Q. So you have one ship in operation only?

23 A. Yes sir.

24 Q. And how many trips would that ship make
25 to Manuels in one year?

26 A. That ship would make -- well, in the last
27 two years there have been six loads.

28 Q. Six loads for the past two years?

29 A. That is six loads per year.

30 Q. So your chartered ship would make six



1 runs to Manuels a year?

2 A. Yes.

3 Q. Apart from that traffic, to the best of
4 your knowledge, is there any other traffic going to
5 Manuels?

6 A. Texaco Company has tankers coming in,
7 and there are small coasters coming in.

8 Q. Are you familiar with these ships?

9 A. No, it is a little out of my field.

10 Q. To the best of your knowledge, are there
11 any local pilots in Manuels?

12 A. Not unless it would be Captain Davis.

13 Q. So he is the only one available there to
14 pilot ships. Is that it? I mean a local man.

15 A. A local man. As far as I know he is.

16 Q. Could you describe the harbour facilities
17 at Manuels?

18 A. I can describe it to you as an engineer.

19 Q. Well, perhaps I will ask you a few
20 questions. How many docks have you got?

21 A. There is one wharf. It is a loading
22 wharf. There is a breakwater on the east side, and a
23 breakwater on the west side.

24 Q. How long would these breakwaters be?

25 A. I am afraid I couldn't give you the
26 correct answer.

27 Q. In what directions are they? North,
28 south, east, west?

29 A. North and south.

30 Q. Are there any lights on these breakwaters?



1 A. There is a light on the end of the east
2 breakwater.

3 Q. And what is the approximate length of
4 your loading wharf?

5 A. 305 feet.

6 Q. Do the tankers dock there?

7 A. Yes.

8 Q. So all ships dock there?

9 A. Yes.

10 Q. What about the depth of the water in
11 Manuels?

12 A. It is supposed to be 20 feet low water.

13 Q. Would you know whether the ships ground
14 when they are loading at the berth or not?

15 A. No sir.

16 Q. You don't know, or they don't ground?

17 A. They don't ground. At least, we have had
18 none of our ships grounded there.

19 Q. Who pays for the services of the pilots
20 at Manuels?

21 A. To clarify a point, I thought you might
22 continue on with it. We have a pilot who comes from
23 Nova Scotia.

24 Q. You employ the services of a Nova Scotian
25 pilot?

26 A. Yes sir. He is with our company.

27 Q. Is he a salaried employee of the company?

28 A. He is paid by the company in Nova Scotia.

29 As to how they make the disposition I don't know.

30 Q. But, to the best of your knowledge, he



1 would be an employee of the company?

2 A. Yes.

3 Q. Whether he is paid by the ship, or by
4 tonnage, or flat rate you would not know?

5 A. That is right.

6 Q. Where does he come from in Nova Scotia?

7 A. From Dingwall.

8 Q. How does he get here to pilot the ships?

9 A. He usually comes in by aircraft.

10 Q. To St. John's or to Manuels?

11 A. To St. John's.

12 Q. How does he board the ship in Manuels?

13 A. We usually rent a small power boat to
14 take him out.

15 Q. Is that company-owned?

16 A. No sir. It is just a small, well a skiff
17 I guess you would call it.

18 Q. Is it owned locally?

19 A. Yes.

20 Q. Is it a fishing boat?

21 A. Yes, I think so.

22 Q. Would you know the fee which is charged
23 for that?

24 A. We usually pay the boy \$10 per trip out
25 to the boat.

26 Q. So your ship arrives off Manuels. Your
27 pilot has been coming from Dingwall. He boards the ship,
28 brings it in, docks it, and does he wait aboard the
29 ship?

30 A. He waits till she leaves.



1 Q. Does he live aboard the ship?

2 A. No, he lives in our company accommodation.

3 Q. How long does he stay in Manuels usually?

4 A. Well, it varies from two days to a week.

5 Q. And does he pilot the tankers also?

6 A. No sir.

7 Q. Strictly your own ships?

8 A. Yes.

9 Q. Do you know who pilots the tankers in and
10 out?

11 A. No.

12 Q. Do you know if they use pilots?

13 A. No sir.

14 Q. Have you thought of making use of the
15 services of the St. John's pilots?

16 A. Well, when we started this operation our
17 pilot from Nova Scotia was familiar with our type of
18 ship, and, well as for myself and the rest of the
19 personnel who were here, we had no experience whatsoever.
20 This man had experience with bringing a ship in and the
21 loading of a ship, of which I had no experience whatsoever.
22 He was brought in because of that, and because he had
23 done quite a bit of piloting for the company in Dingwall,
24 and he was familiar with this type of ship.

25 Q. And, apart from his piloting, does he
26 do anything else for the company? You mentioned loading
27 there. That intrigues me.

28 A. Well, he advises us on our loading of a
29 ship, and the use of equipment. I guess you could call
30 him a marine consultant.



1 Q. A port captain combined with a pilot?

2 THE CHAIRMAN: Is Manuels near the Trans Canada
3 Highway?

4 THE WITNESS: The Long Pond, or Manuels, is
5 approximately eight miles from the Trans Canada.

6 THE CHAIRMAN: That is about where we were the
7 other night.

8 COMMISSIONER SMITH: All night.

9
10 JOHN CHARLES DAVIS, Sworn

11
12 DIRECT EXAMINATION BY MR. JACQUES:

13 Q. Would you state your full name sir?

14 A. John Charles Davis.

15 Q. What is your age?

16 A. My age is 52.

17 Q. What is your occupation?

18 A. Various. I am a carpenter by trade, boat
19 builder, and I knock around on the water. A seaman, you
20 know.

21 Q. Have you anything to do with pilotage?

22 A. No, I don't do any pilotage.

23 Q. Where are you from?

24 A. I originally came from Flat Island,
25 Bonavista Bay.

26 Q. Where do you live now?

27 A. Long Pond, Manuels.

28 Q. Are you familiar with the harbour there?

29 A. A bit, yes.

30 Q. Would you describe this harbour? How far



1 out is it from sea, or from clear water let us say?

2 A. Well, it is only just a channel coming
3 in.

4 Q. How wide would that channel be?

5 A. Approximately a hundred feet.

6 Q. How deep would it be?

7 A. It is supposed to be 20 feet of water
8 there.

9 Q. Have you ever taken soundings there?

10 A. No, but I have contacted the superin-
11 tendent of the dredging company. They scoop it out
12 with a bucket. It is hard bottom, and sometimes, took
13 out with a grab, it is deeper. It is in holes, of course.
14 But you are safe loading a boat with 19 feet 6 inches
15 draught. They haven't stuck so far, so I imagine there
16 must be 20 feet of water there.

17 Q. So this information was given to you by
18 a dredging company?

19 A. Yes.

20 Q. Is that the Department of Public Works?

21 A. Porter Dredging.

22 Q. That is a private firm?

23 A. Yes.

24 Q. When do they do dredging there?

25 A. In the summer they took out 165,000 yards.

26 COMMISSIONER SMITH: Would the Porter Company
27 be contractors for the Department of Public Works?

28 MR. LANGLOIS: Is that J.P. Porter of Montreal?

29 THE WITNESS: Yes sir.

30 Q. Are they going to dredge this summer?



1 A. I haven't heard.

2 Q. Is there any siltation there in Manuels
3 in this channel?

4 A. You see, at low tide we have a nice tide
5 running out, and the engineers told me that there is
6 26 feet of soft mud in that, and it levels out. They went
7 to Port Union, and when they came back they had to dredge
8 again.

9 Q. How long would this channel be?

10 A. I don't know. I would have to measure
11 it.

12 Q. Would it be roughly a mile, two miles?

13 A. No. Half a mile.

14 Q. Do you do any piloting at Manuels?

15 A. No. I don't know if I am supposed to or
16 not. I am Harbour Master there. I don't know if I could
17 be a licensed pilot or not.

18 Q. We understand from the evidence given
19 by Mr. Hume that there is one dock?

20 A. That is right.

21 Q. And all ships go to that dock?

22 A. True.

23 Q. Are there any fishermen around the area?

24 A. There is a few fishermen. Not very many.
25 There are about four or five cod fishing boats. Then there
26 are some lobster fishing boats.

27 Q. Ships other than those working for the
28 mining company, do they take pilots?

29 A. Not to the best of my knowledge. I don't
30 know.



1 Q. Do you go aboard ships when they arrive?

2 A. Oh, yes, I go aboard every time they
3 arrive in.

4 Q. And you don't enquire whether they have
5 a pilot or not?

6 A. No.

7 Q. Would you have any record of the number
8 of ships that enter Manuels in one year?

9 A. I have it all at home in my books.

10 Q. What information does it give?

11 A. Well, I take notes of every boat that
12 arrives.

13 Q. Do you have the date?

14 A. Yes.

15 Q. And the time?

16 A. Yes.

17 Q. The name of the ship?

18 A. That is right.

19 Q. Do you have the tonnage?

20 A. Yes.

21 Q. Do you have the cargo carried?

22 A. Yes.

23 Q. Do you have the draught?

24 A. Yes.

25 Q. Do you have the time she leaves?

26 A. Yes. There are tankers. The rest are
27 local boats.

28 Q. Do you have that book for last year?

29 A. That is right.

30 Q. Do you have it for the year before?



1 A. Yes. I have more books at home.

2 Q. Would you send those two books to the
3 Royal Commission, if you please, in order that we can
4 extract information from them, and they will be returned
5 to you?

6 A. I will.

7 MR. JACQUES: I wonder, your lordship, if you
8 wish to give a number to this exhibit now. Perhaps it
9 might be better to wait till such time as we see the
10 books.

11 THE CHAIRMAN: I think so. We will mark it
12 later on. But we have also made a note in the record of
13 what you have just said.

14 MR. JACQUES: Very well, my lord.

15 COMMISSIONER SMITH: If your lordship pleases,
16 I would like to ask counsel for some information.

17 We are dealing here in this enquiry with some
18 smaller harbours. Now, it is pretty clear on the main-
19 land what is a public harbour, and with a federal harbour
20 the title to the bed in the hands of the federal govern-
21 ment and with the provincial harbour the title to the
22 bed with the province. Now, it is difficult to know
23 whether these harbours we are talking about are federal
24 harbours or provincial harbours and what is the position
25 as far as the title to the bed is concerned.

26 I wonder if you could elaborate on that phase,
27 because of the complication a few years ago. I don't
28 know whether the same rule applies here or what the
29 yardstick is. Could you enlighten me on that?

30 MR. JACQUES: I cannot enlighten you this



1 morning, sir, because I was trying to get the answer.
2 I was at the bar library on Monday morning, and I am
3 sorry to say I haven't found the answer yet in whose
4 hands the title to the various lands or the bottom of
5 the harbour is vested. But I will make an effort to get
6 the information.

7 COMMISSIONER SMITH: I think it is important
8 in relation to smaller harbours.

9 MR. JACQUES: Yes. There are some points which
10 arose from the actual text of the law which have to be
11 examined.

12 Q. You said you are the Harbour Master. Who
13 appointed you Harbour Master?

14 A. Mr. Ralph Stone, the superintendent came
15 to see me.

16 Q. You have been appointed by the Federal
17 Department of Transport?

18 A. That is right.

19 Q. How long have you been Harbour Master?

20 A. Three years.

21 MR. JACQUES: Thank you, sir. Any
22 questions? Would the Commission have any questions?
23 Thank you very much.

24 My lord, my learned friend could perhaps resume
25 his evidence now.

26 MR. LANGLOIS: Captain Hancock.
27
28
29
30



WILLIAM CHARLES HANCOCK, Sworn

DIRECT EXAMINATION BY MR. LANGLOIS:

Q. Would you please state your name in full?

A. William Charles Hancock.

Q. Your age?

A. 43.

Q. Your occupation?

A. Pilot, St. John's Harbour.

Q. How long have you been a pilot?

A. About seven years.

Q. Would you state your qualifications before you became a pilot?

A. I was a ship master, foreign.

Q. For how long, for how many years?

A. About eight years, I believe -- about eight years.

Q. How long have you been at sea altogether?

A. Since 1939.

Q. Have you been in charge of deep sea vessels as master?

A. Yes, sir.

Q. What about coastal vessels?

A. Yes, sir.

Q. I understand that you are a member of the St. John's Harbour Pilotage Committee?

A. I am the secretary.

Q. You are the secretary?

A. Yes.



1 Q. Did you have anything to do with the
2 preparation and drafting of the brief submitted by the
3 St. John's pilots?

4 A. Yes, sir, I had a fair amount to do with
5 it, with the arranging, a good deal of the composing.
6 The ideas, the proposals, represent the thoughts of about
7 all the pilots, practically all the pilots have had a
8 say in it, suggestions, and it has been rewritten and
9 redrafted possibly six, seven times, and each succeeding
10 draft has been circulated and pilots have commented upon
11 it. They have given me their notes, they have given me
12 their written notes, they have given me titles, subjects
13 they wanted to submit, and from that I sort of composed
14 it.

15 Q. Do the contents of this brief represent
16 the views of all of your pilots?

17 A. I would say yes, one hundred per cent,
18 sir.

19 Q. Now, on page 4 of your brief you give a
20 description of your district. Would you say that this
21 description is a complete one, or would you have anything
22 to add to it?

23 A. On page 4, sir?

24 Q. That is paragraph 7.

25 A. That is not complete. Those are the
26 main reasons why we consider pilotage necessary and why
27 other people consider pilotage necessary.

28 Q. For example, you speak of the Narrows in
29 sub-paragraph 1 of paragraph 7, and you give the widths
30 as being 200 feet. Does that apply to all types of ships?



1 A. We have given here that the pilots avoid
2 passing ships that are about 200 feet in length, of all
3 types. That is perhaps a nominal figure. Even ships of
4 150 feet we wouldn't pass, and certainly ships over that
5 length.

6 Q. Excuse me, I phrased my question wrongly.
7 What is the width of the narrows, of the channel in the
8 narrows?

9 A. The width is about 200 feet.

10 Q. What is the maximum draught there?

11 A. The maximum draught that we feel like
12 taking in is about 34 feet. That depth is available in
13 the center, in the deepest part of the channel, and for
14 ships of lesser draught, of course, the channel is much
15 wider.

16 Q. That depth of 34 feet, would it be
17 available in the full width of 200 feet?

18 A. No, that is the point, it is not available.

19 Q. How wide would be the channel, the part
20 of the channel where you would get 34 feet depth of water?

21 A. I would estimate about 150 feet.

22 COMMISSIONER SMITH: Mr. Langlois, would you
23 mind directing some questions to your witness on dredging
24 in the Narrows, the type of bottom? Is it solid rock,
25 is it gravel, is it silt? Are there any difficulties
26 with regard to deepening it? The witness said that the
27 maximum draught of a ship that has come in has been 34
28 feet. Would there be any technical dredging problems
29 there to deepen that channel, widen it?

30 Q. Captain Hancock, following up on the



1 suggestion made by Commissioner Smith, do you know if any
2 attempts have been made to widen and dredge this channel?

3 A. Yes, sir, we know of attempts made to
4 deepen the channel but not to widen it. They have made
5 attempts to deepen the water over Merlin Rock; in fact,
6 they have been making attempts since about 1870 to lower
7 the depth there.

8 Q. Have those attempts been successful?

9 A. Well, each time they have taken it down
10 a little more. It is hard rock, and now they have it
11 down to 32, 33 feet, I believe, the last attempt. I
12 believe that was last year. We have the datum in the
13 office. I think it is around 32 feet.

14 Q. When you speak of a depth of 32 feet,
15 at what stage of the tide is that?

16 A. That is at low water.

17 Q. Spring or neap tide?

18 A. Normal low tide.

19 Q. What is the average range of the tide
20 here in St. John's?

21 A. The average range is between 3.5 and
22 4 feet.

23 Q. Would you indicate by a circle with a
24 red pencil the area where these attempts at deepening
25 the channel were made?

26 A. I will circle the southern part of the
27 Merlin. I am not aware that they have attempted any
28 blasting north of Merlin.

29 Q. Now, would you say that the depth
30 indicated on Exhibit 225 are the depths available today



1 in the channel?

2 A. Yes, this is accurate; this is a late
3 edition, and the depths are up to date. There is a
4 larger scale chart showing just this section of the
5 Narrows, and we have a copy in the pilots' station and
6 it has the same information, but the scale is probably
7 twice the scale here.

8 Q. What is the number of this chart that you
9 are talking about?

10 A. I can give you the number. No, sir, I
11 cannot give you that number. We have it posted up in the
12 station.

13 Q. What current do you experience in the
14 Narrows?

15 A. In the actual Narrows, between the Chain
16 Rock and the south side, I would estimate between a knot
17 and two knots, up to two knots on the maximum flow,
18 plus a run-off on the river, from the upper end of the
19 harbour. It actually boils over these shoals inside.

20 Q. Would this be the average?

21 A. No, that is not the average. Sometimes
22 the current is negligible and it is reversed, there is
23 a slight inward current. But the maximum would be at
24 the maximum ebb and the run-off.

25 Q. What is the direction of the current?

26 A. I would say it tends to set from about
27 the direction of 300 true to a direction of about 120,
28 slightly across the axis of the Narrows.

29 Q. Would you indicate on the chart by an
30 arrow the direction of the current?



1 A. (The witness complies.)

2 Q. Now, this is with ebbing tide. With
3 flood tide what would be the direction and force of the
4 current?

5 A. The flood tide is not so noticeable, not
6 so pronounced, and I would say it is very nearly with the
7 axis of the channel.

8 Q. Parallel to the course of the leading
9 lights?

10 A. Very nearly parallel to the course of
11 the range.

12 Q. How far out at sea are these leading
13 lights visible, from seaward?

14 A. Well, it is not too often, sir, in
15 recent years that I have been any great distance directly
16 east of the ports. Normally we are out maybe a maximum
17 of five miles, and they are visible on a clear night. I
18 would say they are visible five miles at least.

19 Q. Now, what about the current, the set of
20 the current inside the harbour?

21 A. Well, on the south side there is a
22 pronounced current running parallel to the piers.

23 Q. Would you indicate by an arrow in red
24 pencil this current and the direction?

25 A. There is a pronounced ebb tidal current
26 which is accelerated by the run-off from Waterford
27 River.

28 Q. What would be the average force of that
29 current?

30 A. It is difficult to say the average; I



1 could give an estimate of the maximum.

2 Q. Go ahead.

3 A. I would say a maximum of two knots. I
4 know that approaching the Irving oil pier in a small
5 tanker, slow speed, dead slow speed was not sufficient
6 to keep against the current, so I estimate it at about
7 two knots maximum.

8 Q. Does that current prevail all over the
9 harbour or is it about the same all over?

10 A. This current continues; it is noticeable
11 as far I say as the south side naval piers, but not so
12 strong.

13 Q. What would be the force of the current?

14 A. Well, it is considerably reduced, maybe
15 reduced in half; I have not noticed it so strong as
16 further westward in the harbour and I do not know if it
17 disappears in the area of Prosser Rock, but we do know
18 that there is a circulation in the harbour from the
19 movements of pans of ice; on a calm day the ice will
20 slowly circulate anti-clockwise for one period, and it
21 is liable to circulate clockwise for another period, but
22 we have never tied in the reason or the time.

23 Q. When would you get the anti-clockwise
24 circulation?

25 A. That is what I say, we have never tied
26 in the time that would be anti-clockwise in relation to
27 the time of high water or low water.

28 Q. You have indicated for me inside the
29 harbour the direction and force of the current at ebb
30 tide; what about flood tide?



1 A. The flood tide is not so noticeable, and
2 it seems that the flood tide is more or less balanced
3 and checked by the outward flow from the river. You get
4 the flood tide but it is not noticeable at all as a
5 current but as an ebb flow it is definitely noticeable.

6 Q. If I understand your testimony correctly,
7 the flood tide current will gradually balance off the
8 flow of the river, the ebb current that you get?

9 A. As a current, yes.

10 Q. Would this affect the manoeuvring of
11 ships inside the harbour?

12 A. Oh, yes, we are always aware and watching
13 and be aware of this current here and at times it is
14 quite helpful because when there is no wind at these piers
15 this facilitates a ship leaving the pier. You merely
16 have to let go your head lines and the current will get
17 between the ship and the pier and help take the bow off
18 the piers; it is a help in that respect.

19 Q. The conditions you have just described
20 regarding the various currents, do they represent the
21 average conditions that you would get, or would you get
22 different conditions in the freshet season, for example?

23 A. In the freshet season there will be a
24 strong current, more water running out of the river and
25 more current down the south side.

26 Q. What would be your estimate of the
27 maximum force of the current in the freshet season inside
28 the harbour?

29 A. I have said two knots is about the
30 maximum.



1 Q. Two knots is not the average, this is
2 the maximum?

3 A. The maximum.

4 Q. What about the average?

5 A. Well, there is no average, sir. You
6 know the maximum, the worst, and you know when there is
7 no current; what would be the average would be difficult
8 to say.

9 Q. Would you give us an estimate? Would it
10 be half of what you get in the freshet season or more
11 than half?

12 A. I would make a guess that for most of
13 the time, for three parts of the time, there is anything
14 from half a knot to three-quarters of a knot of current
15 outward on the south side.

16 Q. What about obstructions to navigations
17 in the inside harbour?

18 A. Well, there is quite a few obstructions
19 to anchorage; there is only one obstruction, they call
20 obstruction, to navigation, which is this wreck here.

21 Q. Would you indicate by circling the
22 wreck that you refer to with a green pencil?

23 A. This is a definite obstruction to
24 navigation. There is only 24 feet on this rock and the
25 tankers and ships approaching the Imperial Oil for bunkers,
26 this rock is right in line of approach and you must
27 keep well outside of it normally, sometimes inside it,
28 but normally well outside of it, which means you have to
29 approach the Imperial Oil pier at a very large angle,
30 sort of head on instead of more or less parallel as you



1 would rather do.

2 Q. Is this rock indicated by a buoy?

3 A. No buoy, sir.

4 Q. You spoke of other obstructions. Where
5 are they located; what are they?

6 A. The other obstructions are on the bottom;
7 they foul the anchorage. There is a chain, a ground
8 chain from this position to this position, a large --

9 Q. Indicate these two position by a green
10 line.

11 A. It is one continuous large diameter
12 chain.

13 MR. JACQUES: Write the word chain in.

14 THE WITNESS: Formerly there were five buoys,
15 I believe, nine, ten, eleven, thirteen -- these were
16 mooring buoys placed there in wartime, I believe. I
17 was not a pilot then. Although when I joined the service
18 all five buoys were floats and were used, and they have
19 gradually rusted through, deteriorated and some of them
20 are sunk; there is one remaining, so there is an
21 obstruction on the bottom consisting of the sunken buoys,
22 the ground chain and the side chains; they were larger
23 chains extending from the main mooring to back up the
24 center anchorage, concrete blocks I understand they
25 are.

26 Q. The witness is indicating in green pencil
27 the size of chain.

28 A. That was my understanding of the lay-out
29 of this mooring trot system.

30 Q. Have you any idea how long this side chain



1 was?

2 A. I would not know the length, sir, no,
3 I would not know the length.

4 THE CHAIRMAN: I have one question. Do you
5 know whether this chain would be a hazard when you
6 anchor?

7 THE WITNESS: Well, sir, this whole area
8 cannot be used as an anchorage.

9 THE CHAIRMAN: For that reason?

10 THE WITNESS: Yes, sir.

11 MR. JACQUES: If the anchor fouls on the chain
12 you cannot raise it?

13 THE WITNESS: If you foul your ship on this
14 ground chain there is a possibility you will not recover
15 your anchor and you have to slip it.

16 MR. JACQUES: You have to slip it?

17 THE WITNESS: Yes.

18 Q. If you do slip it you are short an
19 anchor. Now, have any requests been made to the proper
20 authorities to remove this chain?

21 A. As far as I know, sir, yes, the matter
22 has been brought to the attention of the Department of
23 Transport. I know we have ourselves, we have mentioned
24 it, that it is an obstruction in the harbour.

25 Q. You say that some of those former
26 anchorages are still afloat, the buoys are still floating
27 on the water. Are these being used today?

28 A. The one buoy remaining has not been used
29 for possibly two years, one or two years, I think two
30 years ago there was one ship, a small lake ship moored



1 at this buoy in winter, or part of a winter; that was
2 about two years ago.

3 Q. Now, are you satisfied with the present
4 aids to navigation in the Narrows and inside the harbour?

5 A. I would say yes, sir, these aids are
6 very good now although it is only recently that we
7 obtained the lift buoys in the Narrows and as that has
8 been the chief improvement the last couple of years we
9 have asked for a small light on the north head; there
10 is no light on the north head.

11 Q. Would you indicate by a circle in green
12 pencil the proposed location of the light on the north
13 head; what would be the purpose of that light?

14 A. At night, sir, when it is dark, one
15 cannot see this land by this point; one can see the light
16 on Fort Amherst, and if the range happens to be obscured
17 at that time one would like to see this head, and then
18 you would be able to judge better taking the ship in
19 or out.

20 Q. Do you normally experience difficulties
21 in picking up these range lights from seawards as you
22 come in?

23 A. On a clear night there is no difficulty
24 in seeing them unless there are ships at anchor in the
25 harbour, or possibly a ship at Marine Agencies pier which
26 will obscure the lower lights. This has happened a fair
27 number of times.

28 Q. Can these range lights be easily
29 identified, picked up from among the city lights?

30 A. The range lights themselves can be readily



1 seen from amongst the city lights if you know where to
2 look for them, if you know, if you are familiar with them.
3 There are other green lights and other red lights and
4 there are many other coloured lights in the whole
5 background and some ships do not know the colour of the
6 lights; that is a common question; the masters will say,
7 "What are the colour of your range lights?" At one time
8 they are red, and they were changed to green and it is
9 surprising how many ships still do not know -- that is,
10 foreign ships -- still do not know if the ranges are
11 red or green.

12 COMMISSIONER SMITH: Would you have any
13 suggestions to make with regard to a substitute for the
14 light that is obscured at the Marine Agencies wharf, and
15 where it could be removed, in your opinion?

16 THE WITNESS: No, sir, it would be difficult
17 without raising the light quite a bit higher than it is.
18 You see, it is possible to have a ship like the ship
19 anchored there at the present time, just obscuring the
20 lower light on her mast or bridge.

21 MR. LANGLOIS: By how much would you have to
22 raise the lower lights?

23 THE WITNESS: The height of that tower I think
24 is 60 -- no, 98 feet now. Well, you would have to raise
25 it higher than the ship's mast, the normal ship that you
26 would expect in St. John's.

27 COMMISSIONER SMITH: Excuse me. If you could
28 do that and it was done, would it cure it?

29 THE WITNESS: That would cure it, sir; there
30 would be no other obstruction that could get in the way



1 of that line of visibility.

2 COMMISSIONER SMITH: And it would render just
3 as good service as the other when it is not obscured?

4 THE WITNESS: It would, sir.

5 Q. On the other hand, would this remedy the
6 situation when a ship is coming in and there is another
7 ship going out in the same range line?

8 A. No, sir, that would not help that
9 situation.

10 Q. That ship coming out would still be
11 obscuring the range light; is that what you mean?

12 A. No, sir, I don't mean that. You have
13 there two moving ships, and it is not quite the same as
14 a ship anchored stationary in the harbour at night, a
15 calm night, and no movement when the range light could
16 be obscured over the whole arc of the channel here.

17 Q. Now, in your brief you state that you
18 avoid meeting ships in the narrows on account of the
19 very narrow width of the channel. How can you do that?
20 Do you have to stop? Are there local regulations
21 concerning this or a working agreement between the pilots,
22 or among the pilots, as to how it is done?

23 A. Oh, yes, amongst the pilots we know what each
24 pilot is doing, where he is going, and we know his
25 intentions and we know this pilot is coming in. The
26 pilot here will wait, or vice versa, the pilot going out.
27 If a pilot is going out with a ship the pilot outside
28 will stand off to one side and wait until it is clear
29 and we have radio communication now which facilitates
30 that. We have V.H.F. shortwave radio communication



1 between the pilot station and the shore and the pilot
2 boat and in some cases direct with the ship.

3 Q. Am I to understand that the ship coming
4 in would not proceed through the Narrows without advising
5 the station that he is doing so or is about to do so?

6 A. If there is a pilot aboard, if there is
7 a pilot aboard, he will not proceed in when he knows there
8 is another pilot coming out with another ship.

9 Q. Would the same thing be done in the
10 reverse when the ship is going out?

11 A. Yes.

12 Q. Am I to understand that the pilotage
13 station is used as a kind of control tower for the traffic
14 in and out of the harbour?

15 A. Yes, it is; in practice that is what it
16 amounts to.

17 THE CHAIRMAN: Except for those who do not
18 use pilots?

19 THE WITNESS: That is correct, sir.

20 Q. Now, what in your opinion would be the
21 main difficulties experienced by a stranger coming into
22 the harbour the first time without a pilot?

23 A. The main difficulties? Well, in the
24 first place I would say that over 90% of them would not
25 attempt it. They would have to message in to the agents
26 or to the Harbour Master, or directly to us requesting
27 a pilot and giving their E.T.A. in good time.

28 Q. But 90% won't do without a pilot, so
29 am I to understand that 10% go in without pilots?

30 A. If you are referring to all shipping you



1 would have to include the C.N.R., which are exempt, and
2 the locally owned and manned craft, schooners, and so
3 on. That is just an offhand guess. What I mean is that
4 the large majority of foreign ships request pilots.

5 Q. I have been informed that when you have
6 considerable traffic in the harbour during, for example,
7 the hurricane season, that some ships, even ships not
8 exempt, will have to dispense with the services of pilots
9 because there is a shortage at that time of pilots
10 available. Is that the situation?

11 A. That only applies to the very small
12 Spanish trawlers. They work in pairs, and they may arrive
13 in groups. Perhaps two pairs, three pairs, perhaps as
14 many as ten, twelve or more ships. So that if we are
15 quite busy it has been done that a pilot will board the
16 first ship, and perhaps several others will follow him.
17 That has happened quite often, and in the case of a
18 pair we rarely go aboard both ships. We go aboard the
19 first ship, which is usually the senior ship. It may
20 be the sailing master, or it may be the fishing master.
21 I am not sure which. He will speak to his companion on
22 his radio, and the second ship will merely follow the
23 first ship.

24 COMMISSIONER SMITH: You only get one pilot's
25 payment?

26 THE WITNESS: No sir. They are foreign ships,
27 and they are charged whether the pilot boards or not.

28 COMMISSIONER SMITH: But when one ship follows
29 the other, you just get paid for one pilot?

30 THE WITNESS: No, they both pay pilotage sir.



1 COMMISSIONER SMITH: Even though there is no
2 pilot aboard the second one?

3 THE WITNESS: Yes, because they are liable.

4 Q. They would go in pairs as you suggest
5 in order to save the time they would waste waiting outside
6 for a pilot to take them in, is that the reason?

7 A. Well, if the second ship asked for a
8 pilot, or hoisted his flag, or made a signal, we would
9 certainly go aboard of that ship if we had a pilot to
10 spare, but we are speaking now of the congestion, of the
11 large number of ships that arrive off St. John's during
12 hurricane, or threats of hurricane, and we are speaking
13 also of times when a pilot is not available for ships.
14 In my experience the only time a pilot was not available
15 was in the case of these small Spanish ships, and it is
16 also a fact that they are very small. They have been
17 here before, and they have come in on their own. They
18 might have followed larger ships in.

19 Q. Who would direct them to their respective
20 berths, or anchorages?

21 A. Well, generally speaking we do. We
22 direct them where to go, even when we are not aboard of
23 them.

24 Q. These berthings, or anchorages, who
25 assigns them? Is it done by the pilots or by the masters?

26 A. No sir. We assign no berths. We do
27 no assigning of berths. We obtain our orders and
28 instructions from the agents and from the harbour master
29 as to where to put these ships.

30 ---A short recess.



1 Q. Captain Hancock, my last question had
2 to do with the fog conditions in your harbour. Would
3 you briefly describe what is the situation in this
4 regard?

5 A. Well sir we get our share of fog on this
6 coast, and it is not so much the fog in the harbour. It
7 is the fog off the harbour that hampers us. The fog
8 off the harbour, the approaches, miles to sea, and in the
9 narrows. There is poor visibility in the narrows.
10 Once we get into the harbour we don't mind it.

11 Q. How frequently do you encounter fog
12 in getting into this harbour?

13 A. Well, we have days on end in the spring,
14 foggy conditions during the summer, and the winter.

15 Q. What is your worst season for fog?

16 A. The spring.

17 Q. How long is that season?

18 A. Well, it goes on intermittently. We
19 have fine weather right now, but we could get a fog
20 period for a few days after this. We have had a fair
21 amount of fog this spring, last month.

22 Q. What about the fall? How long is the fog
23 season in the fall?

24 A. Well, there is no season. It is just
25 when a stationary low appears off the coast, and you get
26 a foggy period. I couldn't give statistics, or the
27 length of the season.

28 COMMISSIONER SMITH: Does the meteorological
29 branch keep a record of the incidence of fog?

30 MR. JACQUES: They do sir, and these figures are



1 in the sailing directions which have been filed in each
2 District.

3 Q. Now I come to page 4 of your brief,
4 sub-paragraph 2. What would you say is the number of
5 ships using your harbour which are exempt ships under
6 your regulations?

7 A. The number of ships that are exempt?

8 Q. Yes, using your harbour. What would be
9 the percentage, as compared to the total traffic?

10 A. It is rather difficult to estimate, sir.
11 I can name some categories of ships that are exempt.
12 The C.N.R. ships below 1,000 tons I believe, they are
13 exempt. Blue Peter fishing trawlers, two or three or
14 four that they use are exempt. Locally registered
15 schooners and motor vessels are exempt, and of course
16 government-owned ships.

17 Q. Would you say that this represents five,
18 ten, or fifteen per cent of all the traffic of your
19 harbour in any given year?

20 A. Well, we haven't compiled any figures
21 on that sir, and as pilots in fact we seldom bother
22 ourselves about the ships that are exempt. I could make
23 a guess, perhaps 5% of the total tonnages in St. John's
24 may be exempt. That is just a guess.

25 Q. Are your services ever requested by
26 exempt ships?

27 A. Occasionally, yes sir, occasionally.

28 Q. What would be these occasions? Give us
29 some examples?

30 A. The Blue Peter-owned cargo ships



1 occasionally ask for a pilot. They may have a new master.

2 The mate may be relieving the master for the trip, or
3 it may be just plain bad weather, and they want a pilot.

4 One small ship recently asked us to join her in Bay
5 Bulls because it was very rough off St. John's, and the
6 pilot brought the ship from Bay Bulls to St. John's
7 in rough weather.

8 Q. Are you often requested, or how often
9 are you requested to take crippled ships into the harbour?

10 A. That is a very common occurrence sir.
11 Crippled ships and tows. It is fairly common. I could
12 look at some figures. Even this year so far we have had
13 several tows, trawlers with their propellers fouled with wire
14 That is a common one sir. We have had large cargo ships
15 here with the propellers gone. Their rudders damaged,
16 towed in. We have had Russian ships towed in, many
17 nationalities towed in. It is a common thing sir, tow
18 jobs.

19 Q. These I understand would be ships which
20 have been crippled by stormy weather at sea, and will
21 seek shelter, or will use St. John's as a port of refuge
22 for repairs. Is that the case?

23 A. That is right.

24 Q. Would you have exempt ships requesting
25 your services under such circumstances too?

26 A. Not very often. I think it has happened
27 where a small exempt ship in trouble has requested our
28 services. In the case of a tow job I would say yes.

29 Q. Would you give your personal experience
30 in towing crippled ships in? Would you explain to the



1 Commission a typical case where you have been called upon
2 to take a crippled ship into St. John's, and under what
3 circumstances did you have to do that?

4 A. A crippled ship, yes sir, I can give certain
5 examples. This ship was called the s.s. "Merlin". She was
6 a dry cargo carrier, of about 10,000 tons dead weight. She
7 lost a propeller in the Atlantic. She was taken in tow
8 by a commercial tug. The owners' representative arrived
9 in St. John's and contacted the pilots, and came to the
10 pilot station and asked what we planned to do. We mustered
11 all the available craft we could to act as tugs. We had
12 one commercial tug here, the "Glenmount". We had the fire
13 tug. We had a dredging tug, and we had a ferry boat. So
14 those four craft met the "Merlin" outside, about a mile more
15 or less, and we had a pilot aboard of each tug. We had
16 a pilot aboard of the ocean towing craft, and we had a
17 pilot aboard of the "Merlin".

18 I think we used five or six pilots at that time.
19 We had two of these local craft on each side of the ship,
20 one on the port bow, one on the starboard bow, one on the
21 port quarter, and one on the starboard quarter. This
22 s.s. "Merlin" was brought safely in through the Narrows,
23 and she was berthed in the dry dock safely, and the owners'
24 representative was very sincere in his appreciation and
25 thanks to us.

26 Q. Would you consider it is a hazardous job
27 to take a ship through the narrows under those circumstances?

28 A. There is a certain amount of risk. In that
29 case there was not so much risk, because the weather was
30 favourable, and we had four craft alongside to act as tugs.



1 We controlled the tow very well indeed in the Narrows, and
2 in the harbour, and in docking this ship.

3 Q. Now I come to sub-paragraph 3 of paragraph
4 7 on Page 4 of the brief and the top of Page 5.

5 You state in this sub-paragraph that captains and
6 management of the C.N.R. notify your pilotage station of
7 the expected arrivals and departures. What is the purpose
8 of this? Why notify the pilot station?

9 A. They notify the pilot station so that we
10 know the expected arrivals of their ships in the event
11 that we have something going out, we have a ship outward,
12 and we can avoid a passing situation in the Narrows. It is
13 to keep each other informed, to keep us informed.

14 Q. Are there any other coastal ships, exempt
15 ships, giving you such notice of their arrival?

16 A. Occasionally an exempt ship will ask VON
17 radio to telephone us and ask us what it is like in the
18 Narrows. If it is bad, and if there is anything coming
19 out. That happens occasionally.

20 Q. At the top of Page 5 in the same sub-paragraph
21 you mention collisions or near collisions in the Narrows.
22 Would you be prepared to give to the Commission examples
23 of these collisions or near collisions?

24 A. Yes sir. The near collision mentioned here,
25 the last near collision, of course it didn't happen, but
26 this case was the occasion of the s.s. "Nova Scotia" sailing,
27 and the s.s. "Random" arriving at night.

28 There was a pilot aboard of the s.s. "Nova Scotia".
29 The "Random" was then owned by the C.N.R. It was bound
30 inwards, with no pilot. The master of the "Random" didn't



1 see the "Nova Scotia" in the Narrows until quite close.
2 Then the master of the "Random", when he saw the lights
3 of the "Nova Scotia", possibly two ship lengths away, he
4 reversed engines to full astern, and he ended up across
5 the Narrows, and collision was avoided by the pilot on
6 the "Nova Scotia" holding the starboard hand very closely,
7 either very close to, or run over the Pancake buoy. And
8 at the time I was in the pilot boat and I subsequently
9 boarded the "Random" and took her to sea, because she was
10 turned around in the Narrows, I took her to sea and turned
11 around and came back into St. John's with the ship, and
12 the master told me he did not see the "Nova Scotia" until
13 he was practically aboard her.

14 Q. Was this ship an exempt ship?

15 A. I do not think she was an exempt ship. But
16 she arrived without notice, she arrived unexpectedly as
17 far as we were concerned.

18 Q. Now, have there ever been collisions with
19 pilots on board ships in the Narrows?

20 A. There has never been a collision in the
21 Narrows that I know of, when there is a pilot aboard both
22 ships.

23 Q. Now I come to sub-paragraph 4 on Page 5,
24 where you state that a ship's master approaching the Narrows
25 from seaward could experience difficulty in distinguishing
26 the lights of an outbound ship against the background of
27 the city lights. Would you say that this condition would
28 prevail at any time even when visibility is good?

29 A. Oh, yes, that is so in good visibility. It
30 is difficult to distinguish the lights of the outbound ship



1 against the city lights, more so in good visibility. In
2 poor visibility you cannot see any of the city lights.

3 Q. Now, in the same paragraphs you speak of
4 the pilot boat assisting in guiding and approaching the
5 Narrows. Would you elaborate on that? How is it done?

6 A. Yes, sir. The pilot boards the ship, say,
7 two miles off and he approaches, in poor visibility, the
8 Narrows, using radar, and at the same time a pilot boat
9 with another pilot in the pilot boat goes ahead of the
10 ship and uses a whistle to indicate his position and the
11 pilot boat is able to see, the people in the pilot boat
12 are able to see better than the master on board a ship 50
13 feet higher; the visibility is better at water level than
14 above water level.

15 Q. In the same sub-paragraph you state that
16 radar is not entirely dependable. Would you care to elaborate
17 on that and give the reasons why radar is not entirely
18 dependable?

19 A. We have found, I have found myself a number
20 of times that ship's radar is not always aligned with the
21 keel of the ship. You will get a picture which is a degree,
22 two degrees, perhaps 5 degrees out of alignment with the
23 fore and aft axis of the ship, your picture is further
24 to one side. An object may be indicated on the port bow
25 on the radar when it is actually dead ahead of the ship.
26 That is one reason we have found.

27 Also a ship using her radar in the harbour, you
28 have high land on both sides, and you get reflections, you
29 get side lobes, side echoes, you get a blinking out of the
30 picture. The set has to be tuned down and focused and



1 possibly focused again. That takes time, and you can't spend
2 time looking in a radar trying to tune it. Once the ship
3 has entered the Narrows we much prefer to use our eyes
4 to see what we are doing rather than use radar.

5 Also on a bridge aft ship, if she has masts ahead
6 of her, it may not show the rocks, the shore too well.
7 We use our eyes. We use the radar right to the entrance,
8 and from then on we prefer to do it visually.

9 Q. Would you explain to the Commission what
10 happens when anyone looks at the radar screen at night and
11 then wishes to look outside to look at some leading lights
12 or buoys?

13 A. Yes. It is well known amongst seamen that
14 if you look at a light and then look out into darkness
15 your vision is impaired; it takes up to 15 minutes to re-
16 gain your full night vision again.

17 Q. Then I come to sub-paragraph 5 where you speak
18 of the local information provided by pilots. Would you
19 please tell the Commission what you mean when you say the
20 master may not know the location of the pier? What do you
21 have in mind? Would you explain further this sub-paragraph
22 5?

23 A. Yes. "The master may not know the location
24 of the pier." That is quite so. A master may have received
25 radio instructions to go to a certain berth and berth is
26 named; the master may not know where that berth is. That
27 has happened.

28 Q. Would that happen to ships equipped with
29 good wireless sets?

30 A. Oh, yes. A ship may be trading to St. John's



1 and going to the same pier for years and then suddenly he
2 gets instructions to go to another pier; he may not know
3 just where that pier is.

4 Q. Now, in the last sentence of that sub-para-
5 ph you mention the possibility of a disastrous collision
6 or grounding by a tanker carrying gasoline or light oils.
7 To what degree is this danger possible? Is it to your
8 mind an important one to consider, to keep in mind?

9 A. I keep it in mind aboard a tanker, and I
10 think we all do. With a collision between tankers or even
11 one tanker there is usually a fire, an explosion and an
12 fire. Also a heavy grounding is dangerous in all cases.

13 Q. Is this port frequently visited by tankers?

14 A. This port is used by Imperial Oil tankers,
15 by Irving Oil tankers, by tankers supplying British American
16 Oil and by tankers supplying Golden Eagle Oil Company.

17 Q. What is the largest tanker you have ever
18 taken into this port?

19 A. Well, one of the largest, if I remember
20 correctly, is one of the Irving Oil tankers, the Irving
21 Glen or Irving Wood; they carry 19,000 tons and 21,000
22 tons respectively.

23 COMMISSIONER SMITH: What draught are they?

24 THE WITNESS: The draught is generally about
25 32 feet aft.

26 Q. Would such large tankers be affected, as
27 far as their draught is concerned, by the keeling over
28 in the Narrows due to a swell?

29 A. Yes, sir, when there is a swell outside you
30 can feel the swell aboard a ship when you are in the Narrows,



1 there is that movement, that slight roll and slight head
2 pitch. There is a definite movement that you can see,
3 and that increases the draught considerably. And a roll
4 of one or two degrees would increase the draught possibly
5 a foot or more under the bilge.

6 Q. Is it not a fact that this swell would have
7 to come from seaward and would be either on the port or
8 starboard quarter of a vessel entering the harbour?

9 A. I would say that the swell penetrates into
10 the Narrows more or less straight and it would cause the
11 slight fore and aft movement and also the slight roll,
12 a slight movement.

13 Q. But that would be a stern sea you are getting
14 coming in?

15 A. Yes, it would be a stern sea, but, neverthe-
16 less, it causes a slight roll.

17 MR. JACQUES: Mr. Langlois wants to know
18 whether your ship is more difficult to handle when you have
19 a head sea or whether you have a stern sea.

20 Q. That was the purpose of my question. Would
21 it affect your ship coming in?

22 A. Oh, yes, sir.

23 Q. How would a stern swell sea affect your ship
24 coming into the Narrows?

25 A. Well, following a swell, with a stern swell,
26 there is what is known as a yaw, and it is impossible to
27 stop it. The ship has a natural yaw, depending on the
28 course, the ship will oscillate to one side or to both
29 sides of her mean course, and it appears one moment you
30 are heading for the north head and the other moment you are



1 heading for the south head.

2 Q. At what speed would you normally negotiate
3 the Narrows, go through the Narrows, on a large tanker?

4 A. We try to go through the Narrows at the slow-
5 est speed possible consistent with good steerage, with fair
6 steerage, and the reason for that is the tanker is drawing
7 32 feet, 34 feet, they are carrying in the order of 20,000
8 tons, and once you are in the harbour you have the problem
9 of stopping them. So if we find that the ship is steering
10 with engines stopped we will leave the engines stopped;
11 if necessary, we will use dead slow or slow to correct the
12 course and possibly stop engines again.

13 Q. Are these ships equipped with turbines?

14 A. Some turbines, sir, some diesel.

15 Q. Would you explain to the Commission the
16 difference of backing power between a turbine and a diesel
17 ship?

18 A. A turbine ship has less backing power avail-
19 able than a diesel ship, in my opinion, and it is much
20 slower in getting it.

21 Q. You mean there is a longer delay before you
22 get full stern power?

23 A. That is right, sir.

24 COMMISSIONER SMITH: That would agree with
25 the evidence previously given.

26 MR. LANGLOIS: Yes, sir.

27 MR. JACQUES: I think, sir, it could be ad-
28 mitted, generally speaking, for all further hearings that
29 a turbine ship takes far longer to go a stern and has
30 far less backing power than a diesel.



1 A. Now, you mention in the sub-paragraph 6 that
2 you are called upon occasionally to board ships five miles
3 off the port. How often does that happen?

4 A. It is not too often, sir. Occasionally we
5 have telegrams from ships asking us to meet the ship far
6 out because he hasn't charts or for some other reason.
7 Occasionally the ship will just stop, it will pass Cape
8 Spear and stop about five or six miles off the port and
9 just wait, and either you go out to him or he doesn't
10 come in.

11 Q. So you are sometimes called upon to go out-
12 side of your district to pick up ships?

13 A. Occasionally, yes.

14 Q. Does the same situation obtain when you take
15 ships, that you have sometimes to disembark outside of
16 your district, and, if so, why?

17 A. The ships just sailing from St. John's, we
18 normally leave them at the heads, before the ship passes
19 the heads, and if it is heavy weather, if the captain is
20 satisfied she has steadied up on the course, she is in the
21 channel, if he is quite happy, he will release us and
22 say: "You can go when you wish." If so, we will leave the
23 ship just before she reaches the heads.

24 There are cases when the captain has asked us to
25 take him outside and clear, and we have left the ship
26 possibly half a mile or more off the heads.

27 Q. Does it happen on account of weather that you
28 have either to board vessels outside of your pilotage
29 waters or to disembark from vessels outside of your pilotage
30 waters?



1 A. Yes, sir. Ships have been boarded in Bay
2 Bulls by St. John's pilots to bring them to St. John's.

3 Q. On account of what?

4 A. On account of weather mostly. Bay Bulls has
5 a wide outer harbour and it is easily entered by even a
6 stranger, and a ship has been advised to enter this outer
7 harbour and the pilot has boarded her there and then taken
8 him to St. John's.

9 COMMISSIONER SMITH: Bay Bulls is how far
10 away?

11 THE WITNESS: Eighteen miles.

12 Q. When you go to Bay Bulls are you paid for
13 your travelling time and expenses?

14 A. The time, sir, I am not sure of. The expenses,
15 I believe the agents pay for or supply a taxi to Bay Bulls,
16 and possibly pay the boat charge in Bay Bulls. That is
17 if a private fishing boat is engaged to put the pilots
18 on board.

19 Q. Is it a regular occurrence?

20 A. No, sir, it is not a regular occurrence.

21 Q. Now I come to sub-paragraph 7 on Page 6. --

22 MR. JACQUES: Bay Bulls is just inside Bull
23 Head.

24 Q. Now I come to sub-paragraph 7 on Page 6.
25 You state that tows and damaged ships do not attempt to
26 enter without a pilot, and they are boarded well off the
27 port. What do you mean by "well off the port"?

28 A. In the case of a tow arriving, we generally
29 wait two miles off the port for the tow. We go out to
30 the normal limit of the district, we wait there. If the tow



1 continues to come on we wait; if it stops and heaves to,
2 we proceed out to the tow.

3 Q. Now, in the same sub-paragraph you state that
4 additional arrangements are made as to tugs. Who makes
5 these arrangements?

6 A. The agents generally. We ask the agents to
7 obtain whatever tugs or craft they can. We don't engage
8 the craft ourselves, we ask the agents to please get them.

9 Q. Now, I come to sub-paragraph (8). In the
10 last part of the last sentence you state:

11 "The conduct of the ship given entirely to
12 the pilot".

13 Would you tell the Commission what usually takes place
14 when you board a vessel as a pilot?

15 A. When you board the vessel you are shown
16 up to the bridge by generally the third mate, one of the
17 mates; you are introduced to the captain; shake hands
18 with him and usually the ship's engines are stopped at the
19 time and the ship has little if any way upon her. You
20 ask the captain the draught. If you have any special
21 instructions for him, any mail, anything special from the
22 agents, you tell him. You tell him what pier is arranged
23 for him; you tell him what tugs are arranged, if any.
24 In the meantime you indicate what speed you want, whether
25 it is full or slow or half ahead, and you give the helmsman
26 a course, the initial course and for the first part of
27 the approach; you just discuss the approach with the captain.
28 If he has anything of interest to tell you he will tell
29 you. He may prefer not to go that particular side to.
30 He may have a reason to go the other side to. He will tell



1 you of anything that you should know, and from there on
2 the pilot cons the ship or pilots the ship, adjusts the
3 speed, brings the ship into the harbour, and docks her.

4 A. No; normally usually directly to the wheelsman
5 although there is a language problem whoever is the best
6 interpreter usually interprets the pilot's orders to the
7 wheelsman; in most cases it is the captain.

8 Q. Do you have occasion to take over the wheel
9 yourself on account of language?

10 A. I have never taken a wheel, although I have
11 actually caught the wheel and checked a wrong movement
12 of the wheelsman; I have done that, but I have never taken
13 the wheel completely from the helmsman.

14 Q. Was it as a result of the language barrier
15 between you and the wheelsman?

16 A. No; in that particular case the helmsman
17 went starboard when I told him to go port and I caught
18 the spoke of the wheel and corrected him.

19 Q. Has it occurred to you that there have been
20 foreign ships coming into St. John's where there was no
21 English spoken on board the ship?

22 A. Yes, sir, not one word.

23 Q. Not one word?

24 A. Not one word, a Russian ship.

25 Q. A Russian ship. Have you found this condition
26 with respect to most Russian ships coming into this
27 harbour?

28 A. No, I would say in the most of them either
29 the customs speaks English or somebody else aboard speaks
30 English fairly well.



1 Q. You mention in the same sub-paragraph that
2 pilots are giving advice to the masters and agents. Am I
3 to understand that your pilots are sometimes performing
4 some movement control in this harbour. Explain what you
5 mean by this sub-paragraph 8 on Page 6?

6 A. Well, it amounts to a practical form of
7 movement control which everybody finds satisfactory. An
8 agent will advise us on the telephone that a ship is due
9 at a certain time and she is a deep draught ship, and we
10 will refer to the state of the tide at the time she is
11 supposed to be due, and it may be low water. May be
12 low water and we will then decide that there is a risk,
13 too much risk, and we will advise the agent that it would
14 be better for the ship to reduce speed and arrive two,
15 three, four hours later to coincide with higher water.

16 Q. Do I understand that you always have a pilot
17 on watch to answer the telephone respecting such requests?

18 A. Always, sir.

19 Q. Twenty-four hours a day?

20 A. Throughout the year.

21 Q. Now, in sub-paragraph 9 you mention the
22 difficulties in handling large ships in high wind in
23 the harbour, particularly at the Imperial Oil main bunkering
24 pier. Is the handling of ships in this harbour affected
25 by high winds to a great degree?

26 A. Oh yes, yes, sir.

27 Q. Would you explain that further?

28 A. Well, if the wind is extremely high, a
29 gale of wind, you will not handle the ship at all. You
30 leave her at the pier or you get another anchor out. You



1 will not attempt to shift a large light ship in a gale of
2 wind in this harbour without adequate tugs.

3 Q. How many tugs do you have available in this
4 harbour?

5 A. We have one commercial tug, 320 horsepower.

6 Q. You think that one tug is sufficient for
7 the traffic here?

8 A. We manage with it; it is not sufficient at
9 times but we manage, and we manage without tugs also.

10 COMMISSIONER SMITH: Mr. Langlois, would you
11 mind my interrupting?

12 MR. LANGLOIS: Not at all.

13 COMMISSIONER SMITH: In connection with winds
14 having an adverse effect on navigation and in the berthing
15 of ships, I should like to ask you now whether you are
16 familiar with the harbour of Halifax?

17 THE WITNESS: I have been to Halifax many
18 times, sir.

19 COMMISSIONER SMITH: There is one section of
20 the harbour at what they call the ocean terminal where, when
21 you get a north-easterly gale, it is almost impossible to
22 berth the giant liners or even large liners. I was wonder-
23 ing whether you get a similar situation here when there
24 are times when you just cannot take a chance and try to
25 berth ships in heavy wind.

26 THE WITNESS: That is right, sir, yes.

27 COMMISSIONER SMITH: What happens I suppose,
28 is that they just anchor out and wait until the wind goes
29 down?

30 A THE WITNESS: Yes; suppose a pilot boarded



1 a large ship outside and in a gale of wind he should decide
2 that it was safe to come in through; he would bring the
3 ship into the harbour and move ahead for the anchorage, and
4 he would lay out the two anchors with plenty of cable
5 and wait overnight possibly until the wind moderated or
6 dropped; that happens.

7 MR. JACQUES: Which piers are affected?

8 THE WITNESS: It depends which way the wind
9 is blowing and which pier you are going to. For instance,
10 if you are going to the - going to dock at the American
11 pier managed by Murrays, which is lying about east and
12 west or lying about north-east , in a westerly
13 wind you have the wind blowing right on that pier and it
14 is dangerous then.

15 MR. JACQUES: Which are the prevailing winds?

16 THE WITNESS: Westerly winds prevail.

17 BY MR. LANGLOIS:

18 Q. How frequently do these conditions outlined
19 in sub-paragraph 9 obtain? Do you get these conditions
20 very often?

21 A. How often is it blowing a strong westerly
22 wind?

23 Q. Yes, how often are the ships docking affected
24 by winds?

25 A. I would like to refer to some statistics as
26 to how often it is blowing a westerly gale. We have a
27 fair number of them throughout the year.

28 Q. I do not want you to give a percentage of
29 times this could happen; is it a frequent occurrence or is
30 it seldom that you have those conditions?



1 A. Westerly gales are common, common here.

2 Q. Now, I come to sub-paragraph 10 on Page 7.

3 You speak there of uneven depths alongside some berths.

4 Please elaborate on that and tell the Commission how many
5 berths you have with such uneven depths?

6 A. May I refer to the plan?

7 Q. Oh, yes, of course.

8 A. Starting with the Furness Withy pier, at one
9 end we have 27 feet and at the other end we have 32 feet.

10 Well, if the ship were drawing say 26 feet forward and
11 31 feet aft it would be quite safe to go there provided
12 she went port side to. If the owners or agents wanted to
13 go starboard to, it would be out of the question, so we
14 would advise them. If they tell us they wanted that ship
15 starboard side to, we would say well, it is not possible
16 because there is only 27 feet when she would be drawing
17 32 feet aft. That is the case where a ship can go port
18 side to the pier but not starboard side to, and that applies
19 to any other pier where the depths are angled at the
20 two ends.

21 We have a pier here named the U.S. Army Wharf. It
22 is usually called the American pier or Murrays Pier, where
23 there are 38 feet available in the eastern end, or the
24 south-eastern end, and 30 feet available the other end,
25 but in the middle there is an obstruction, and the depth
26 available there is 25 feet or less. There is a tank down
27 there on the bottom near the wharf.

28 COMMISSIONER SMITH: What is the overburden
29 at that berth?

30 THE WITNESS: I could not say, sir, what



1 kind of silt there is there.

2 COMMISSIONER SMITH: Is it rock foundation
3 on the bottom or gravel?

4 THE WITNESS: I believe it is a gravel bottom
5 there.

6 Q. I understand that you advise agents or
7 masters as to how ships should be berthed, whether they
8 should be port side or starboard side to in order to take
9 advantage of the deeper waters at those berths?

10 A. Yes. We carry out the agent's instructions
11 without question unless we see that it can't be done or
12 that it is dangerous to do it, and then we advise them
13 that that should be done, or an alternative.

14 Q. Have you any examples of where the masters
15 or agents went against your advice as a pilot?

16 A. Where the master went against ---

17 Q. Your advice?

18 A. I can't remember anything, sir, no.

19 Q. I now come to sub-paragraph 11 on the same
20 page, page 7 --

21 THE CHAIRMAN: Are you going to be very long?

22 MR. LANGLOIS: I have two questions to
23 finish the chapter.

24 Q. In the last sentence of paragraph 11 you
25 refer to as a temporary anchorage. I want to know
26 from you, if you have to remain on board in such cases,
27 does the pilot remain on board the vessel?

28 A. I would say that that has been done in the
29 past; I have not done it myself personally but I would say
30 that if the master asked the pilot to remain he would



1 certainly remain. If the master thought he was at a safe
2 anchorage he would dispense with the pilot at least for
3 the time being. He might say to the pilot, "I will call
4 you when I want you; I may call you when I am ready to
5 leave, or you come when you think it is suitable to proceed
6 to St. John's." It is a mutual agreement I would say.

7 Q. But if the pilot does stay on board is he paid
8 detention?

9 A. If the pilot is asked to stay on board then
10 he would be paid detention.

11 Q. I now come to the last paragraph under this
12 heading, Paragraph 12 where reference is made to the
13 Canadian Port and Shipping Directory. This reference is to
14 the Canadian Ports and Shipping Directory of 1958, and
15 when I find the page I will give it to the reporter.

16 THE CHAIRMAN: That will be all right.

17 MR. JACQUES: I think we can accept the fact
18 that the Canadian Directory mentioned contains the reference.

19 THE CHAIRMAN: We might wish to look up a
20 reference, to see the context. We will adjourn now to
21 2:30 this afternoon and by then you can give us the
22 reference exactly.

23
24 Whereupon the hearing adjourned at 12:55 P.M. until
2:30 P.M.

25
26
27
28
29
30



1 ---Upon resuming at 2:30 P.M.

2 MR. JACQUES: My lord, before the pilots
3 resume their evidence, I should like the Commission to
4 hear further Mr. Griewe. Mr. Griewe is the Chairman of
5 the local Commission, and is a very busy man, and I under-
6 stand that he has some important business to conclude
7 this afternoon and to-morrow, and he would like to address
8 the Commission on certain points which were raised,
9 particularly the provident fund, workmen's compensation,
10 negotiations as regards the pension plan, and also the
11 removal of obstacles in the harbour.

12
13 JAMES CARLTON GRIEVE, re-called

14 THE WITNESS: My lord, with your permission
15 I would like to record just some brief additional comments
16 on evidence I think I already submitted myself, and some
17 comments on pieces of evidence that I have listened to.
18 These to be taken on behalf of the St. John's Harbour
19 and Pilotage Commission.

20 If you will permit me to do so, I will say to the
21 Court Stenographer that when I use the word minutes he
22 should take this to mean minutes of the St. John's Harbour
23 and Pilotage Commission. This would save a lot of extra
24 words.

25 THE CHAIRMAN: Well, that is all right. You
26 have just said it, so it is already in the record.

27 THE WITNESS: Regarding Workmen's Compensation,
28 in the minutes of December 6, 1955, the Harbourmaster,
29 Captain Stampton, Captain Stone's predecessor, was
30 instructed by the Commission to pursue the matter with the



1 appropriate authorities. At a meeting of January 19, 1956,
2 the minutes record that the pilots were insured under
3 Workmen's Compensation with effect from 9 December, 1955,
4 which is in keeping with the letter read by Mr. Langlois
5 yesterday.

6 The purpose of these comments is just to establish
7 the fact that Workmen's Compensation was not something
8 that just happened. Prior to 1954, I am unaware of what
9 had been done by the previous members, nor are there any
10 records, but the Commission felt that some protection
11 should be obtained for our pilots, and it seemed that the
12 Workmen's Compensation might provide an avenue. That is
13 how the matter was pursued, and as I think I said
14 yesterday, the Workmen's Compensation people were quite co-
15 operative, and actually I think fitted us in. Whether
16 we should have been there or not, I don't know.

17 The pension scheme for pilots. In the minutes of
18 November 1st, 1955 reference is made to the Harbourmaster
19 looking into the possibility of a suitable pension and
20 disability plan, and this was to be done in conjunction
21 with the pilots. In the minutes of 19th of January, 1956
22 there is record of a letter having been received from
23 Ottawa referring to the pilots' pension plan. This was
24 in reply to, as I believe, a verbal request to Ottawa to
25 come up with some suggested scheme. The same minute
26 records that a further letter would be received from the
27 Director of Nautical Services.

28 In the minutes of March 7, 1956 reference is made
29 to a letter from the Director of Nautical Services, which
30 was quite lengthy and set forth details of a proposal for



1 a type of pension plan. This was put before the pilots,
2 and as the whole scheme, the setting up of the scheme and
3 the upkeep of the scheme, fell entirely on the pilots, it
4 just was regarded as being unsatisfactory.

5 The pension scheme has been semi-dormant ever since,
6 and I think it is right to say that the reason it has been
7 dormant is that the Commission has never had, nor has,
8 the funds to buy into a regular pension scheme as one would
9 do commercially.

10 I think if we could come up with something like
11 that I am quite certain a satisfactory contributory scheme
12 could be worked out. We just want to make it quite clear
13 that the Workmen's Compensation and pension schemes were
14 not something that just drifted around without any
15 direction.

16 Following upon the pension scheme, the provident
17 fund has been referred to on several occasions, and we
18 would like to make it clear that to the best of our
19 knowledge this fund was never intended to be a pension
20 scheme. There seems to be no record of the date of origin,
21 and exactly what was in mind then, but our understanding,
22 certainly mine, has always been since I joined the
23 Commission that it was in effect a joint saving effort,
24 which would provide each pilot with something to fall back
25 upon should injury or illness prevent him from earning
26 his normal contribution from pilotage. It was never
27 intended to be a pension scheme, nor was it ever registered
28 as any type of scheme.

29 As a matter of interest, I think that there are
30 two gentlemen in town who might be able to give you some



1 background to it, if you think it worthwhile. One is Cap-
2 tain M. G. Dalton, who was the Chairman prior to myself,
3 and was with the Commission four years. The other I think
4 would be ex-pilot George Anstey, who I think I am correct
5 in saying is the oldest ex-pilot in town now.

6 One other matter that has been referred to is this
7 question of half pilotage being charged, or the use of
8 a pilot if you want to put it that way, when disembarking
9 sick or injured personnel off the port. The Commission
10 is well aware that this is not covered by any specific
11 section of either the St. John's Harbour Pilotage Act,
12 or the Regulations. It has become a custom of the port,
13 and the Commission's view is that if this operation is
14 to be performed within the Pilotage District, the Commission
15 insists that a pilot be engaged for the proper handling
16 of the ship from which the man, or men, are to be
17 transferred, and for the general safety, not only of
18 the patient, but of the ship within the Pilotage District,
19 and the doctors and other personnel that are quite often
20 carried in the boats. It is a straight safety regulation
21 as far as the Commission is concerned, and we insist
22 upon it merely because it is within the harbour. If
23 anybody wants to do it outside the limitations, I don't
24 quite know what we could insist upon.

25 The question discussed by Captain Hancock this
26 morning of the obstructions and fouling of the harbour
27 bottom. I believe Mr. Langlois asked him whether there
28 had been any official approach to the appropriate authorities
29 to have this work done. There have been official
30 approaches and requests by the Harbour Commission to the



1 Department of Transport, and there has been correspondence
2 between the Commission, the Department of Transport,
3 and the Department of Public Works. These letters, or
4 copies of these letters, are all on the Commission's
5 files if required.

6 Personally I am not competent in anything other
7 than I certainly support the details given by Captain
8 Hancock this morning, and if time permits, and it please
9 your lordship, I would certainly like Captain Whelan, who
10 was the practical Commissioner who worked with the Harbour
11 Commissioners and Harbourmaster in preparing the original
12 submission to the D.O.T.

13 COMMISSIONER SMITH: Would your Commission
14 also support an adequate pension scheme, apart from this
15 provident or safety scheme?

16 THE WITNESS: Certainly sir. Do you mean
17 the principle of the thing?

18 COMMISSIONER SMITH: Or active participation
19 in it as a Commission?

20 THE WITNESS: Well, our active participation
21 in it as a Commission, under our present financial status,
22 would merely be to give it our blessing, unless there
23 is a specific levy added to the three things.

24 COMMISSIONER SMITH: You would give it your
25 moral support anyway, would you?

26 THE WITNESS: Oh, yes, certainly.

27 Those are the only things I would like to record.

28 THE CHAIRMAN: The question about the provident
29 fund that you spoke of. I understand it is not only
30 for retirement. It would be given in case of disability?



1 THE WITNESS: That is correct sir.

2 THE CHAIRMAN: Would it be total disability,
3 or just some time? Let us say, for instance, that a
4 pilot would be unable to perform his duties for six months.
5 Would he have access to that fund?

6 THE WITNESS: He would have access to that
7 fund commencing after a certain number of weeks.

8 THE CHAIRMAN: Do you have regulations for
9 that?

10 THE WITNESS: Yes, the Harbour Master can
11 explain.

12 MR. JACQUES: It is in the Act, my lord.

13 THE WITNESS: The only two other items that
14 might be recorded are that there was reference made as
15 to whether any request had been made to have this harbour
16 come under the National Harbours Board. There was never
17 any official request made by the St. John's Harbour and
18 Pilotage Commission, and I am wondering whether this
19 might not be confused with suggestions made by the
20 Newfoundland Board of Trade that this should come about,
21 being in direct competition with the proposed Martier
22 Bay Scheme. I don't believe it was ever associated with
23 the Harbour Commission.

24 COMMISSIONER SMITH: No, I asked that question
25 Mr. Grieve, and I think you are right, now that you mention
26 the Board of Trade. It comes back to me that the request
27 originated there. I was wondering whether in addition
28 to the request, wherever it came from, whether your
29 Commission had made any advances?

30 THE WITNESS: No, we did not sir.



1 My final item, the matter of reduction in the
2 number of pilots has been touched on. The facts there
3 were that two pilots have left us. On each occasion the
4 Pilots' Committee submitted that in their opinion it
5 was not necessary to replace the first pilot, and that
6 subsequently not necessary to replace the second pilot,
7 as they felt that the service could be maintained with
8 eight. The question of non-replacement was fully con-
9 sidered by the Commission, and approved with the res-
10 ervation that under the powers that are vested in the
11 Commission at any time the Commission could reinstate
12 or add to the present eight if there were any general
13 complaints of lack of pilotage service. None have been
14 received, and I don't think any ever will be.

15 In that connection, as the pilots were good enough
16 to say that they liked working with us, I think it is
17 only fair to record that certainly since I have been on
18 the Commission we have never had a written or verbal
19 complaint of lack of pilotage services, or failure to
20 get a pilot when they wanted one, or any general complaint
21 whatsoever. I think if you look up the accident record,
22 or damage to property in this port compared to others,
23 I think you will find that the comparison is very, very
24 favourable to our province.

25 That is all my lord.

26 THE CHAIRMAN: Have you any questions Mr.
27 Jacques:

28 MR. JACQUES: No sir.

29 THE CHAIRMAN: Thank you very much Mr. Grieve.

30 MR. LANGELOIS: I have only one question to



1 clarify the first paragraph of Page 3 of your brief,
2 Mr. Grieve, where it is stated that on some occasions
3 the matter of the St. John's Harbour Pilots becoming
4 civil servants had been discussed with the appropriate
5 pilotage authorities in Ottawa.

6 Would you care to tell the Commission if the
7 suggestion was then to make pilots civil servants, or
8 only prevailing rate employees?

9 THE WITNESS: Well, my lord, I think Mr.
10 Langlois has me a little confused, because without looking
11 up the correspondence, and without remembering the many
12 discussions, I frankly can't remember just which. Perhaps
13 both phrases were used. I realize there is a difference,
14 but the term civil servant, I think, in our minds became
15 the general one, inasmuch as if Part 6 were proclaimed
16 our main object in life was to see that the pilots went
17 into whatever new arrangement there was at no disadvantage
18 financially to their present standing, or their standing
19 as it was at the time it started, and certainly in addition
20 to come in under some proper pension scheme.

21 Now, whether the term civil servant is a misnomer
22 here, I sit corrected.

23 MR. JACQUES: Well sir, I thank you very
24 much for bearing with us for three days, and for the co-
25 operation which you have displayed throughout this
26 hearing.

27 THE WITNESS: It has been a pleasure.

28 MR. LANGLOIS: My lord, I would like to sub-
29 mit this copy of Canadian Ports and Shipping Directory.
30 This is the 1962 Edition, and I would draw your attention to



1 Page 288, where pilotage in St. John's is described as
2 being compulsory and necessary.

3 MR. JACQUES: Before my learned friend proceeds
4 with his examination, I think it would be fair to all
5 parties, and that the Commission's work would not suffer
6 in any way whatsoever, if they were to admit that
7 paragraphs 8, 10, 11 and 12 of the Pilots' Brief
8 represent, or given an accurate picture of the situation
9 here in St. John's, and I would draw the attention of
10 the Commission particularly to Paragraph 10, which in
11 my humble estimation, and which in the opinion of the
12 Nautical Advisor to the Commission is exceedingly well done.

13 THE CHAIRMAN: As a matter of fact I read
14 those four paragraphs, including paragraph 9, and I
15 found it very, very clear, and very helpful.

16 MR. JACQUES: And particularly Paragraph 10,
17 I think it could be of general application to all the
18 pilotage districts in Canada. And in my previous
19 experience at sea and in the nautical advisor's experience,
20 we find that it is true and correct.

21 MR. LANGLOIS: Thank you on behalf of the
22 pilots who have been responsible for the drafting of
23 this brief.

24
25 WILLIAM CHARLES HANCOCK
26 (Continued)

27 DIRECT EXAMINATION BY MR. LANGLOIS:

28 Q. Now, Captain Hancock, could you tell the
29 Commission what was the largest number of vessels to
30 visit St. John's at the same time in your experience?



1 A. Yes. The list in the appendix, that is the
2 largest number of ships that I know about personally,
3 and I think it is the largest number at one time for a
4 good many years, and it totals 135 ships. This list does
5 not include some T.W.R. ships, possibly the Department of
6 Transport ships. I think at the time there was the
7 survey ship, the Asadia, some local schooners and motor
8 vessels. There were easily over 150 ships in St. John's
9 on that date in 1958. But these are the ships with which
10 we are concerned, and we handled them all, except a few
11 of the small Spanish trawlers.

12 MR. JACQUES: My lord, in this respect I have
13 a few photographs. We didn't want to file them because
14 they are all framed and kept as souvenirs. If the
15 Commissioners would like to look over the photographs
16 at the recess, they are available.

17 THE CHAIRMAN: All right.

18 MR. LANGLOIS: There is one group we can
19 file.

20 MR. JACQUES: These were supplied through
21 the courtesy of Mr. Clancy, the Manager of Blue Peter
22 Steamship Company.

23 Q. Would you identify this series of photographs,
24 Captain Hancock?

25 A. Yes, sir. This was done by Mr. Maunder,
26 the tailor and model maker and photographer. We have a
27 copy framed in the pilot station. It is taken from the
28 Court House, from this building upstairs, and he told
29 me he aimed the camera and took a photograph and then
30 swung the camera to a necessary angle to take the following



1 pictures. He took four photographs from the same position
2 and joined them into this picture, and it shows mostly
3 Portugese vessels at anchor and berthed on the south side,
4 north side, a cargo ship at the American pier, and a war-
5 ship at the Imperial Oil and Portugese fishing vessels at
6 anchor. These are mostly motor vessels.

7 Q. Do you know the date these pictures were
8 taken?

9 A. I think that was 1958, in October.

10 MR. LANGLOIS: We will file this as an Exhibit.

11 THE SECRETARY: 257.

12
13 ---EXHIBIT NO. 257: Series of photographs of ships
14 at anchor in St. John's Harbour.

15 Q. Now, this morning, Captain Hancock, you were
16 asked about the obstructions in this harbour. Are there
17 any other obstructions in addition to those which you
18 described this morning?

19 A. Yes, there are other obstructions. I might
20 not be the best one to give the exact location. The
21 harbour master has had the services of skin divers and
22 others, and he has looked up records, and he would be
23 able to give you exact positions. But I know the general
24 area of the main obstructions we have to avoid in
25 anchoring.

26 There is a large bundle or heap of tangled chains
27 and anchors between the alignment of the range and the
28 American pier. I could indicate it on the plan.

29 Q. Are these obstructions indicated by buoys?

30 A. No, they are not indicated.



1 Q. Are they shown on the charts of the harbour?

2 A. They are only shown where we indicate the
3 position on our own charts ourselves.

4 Q. I understand -- correct me if I am wrong --
5 that is a hulk of an old three-master there?

6 A. Yes, that is so, and that is an obstruction
7 and a menace in this harbour. It is directly in the
8 approach to the Imperial Oil and Irving Oil bunkering
9 piers.

10 Q. I hope the mast have been knocked down?

11 A. I think the stumps of the masts are there.

12 COMMISSIONER SMITH: How high are they?

13 THE WITNESS: I have just had them referred
14 to as the stumps.

15 COMMISSIONER SMITH: Has any effort or
16 representations been made to have this derelict removed?
17 They have been removed in other harbours, in Halifax,
18 for instance?

19 THE WITNESS: I believe representations
20 have been made about this particular wreck to the Harbour
21 Commission, and we have mentioned it from time to time.
22 And not only the wreck but the chains in that vicinity
23 from that wreck and I believe from a previous hulk that
24 was moored there in that vicinity.

25 Q. This morning I asked you to give us an
26 example of one of your experiences in taking a crippled
27 or disabled ship into St. John's. Did you ever have a
28 similar experience with a coastal vessel?

29 A. Well, sir, I have had quite a few experiences
30 with crippled and disabled ships, partly disabled ships,



1 tows.

2 One I will always remember was an Norwegian ship
3 of about 5,000 tons gross, an old ship, reciprocating
4 steam engines, and he was due about midnight off the
5 port in the middle of winter. It was very cold and blowing
6 hard. I got to him about two or two and a half miles
7 off St. John's and he was very glad to see me, and he
8 said: "We have some trouble." He said: "Our anchors and
9 windlass and winches are all frozen up, including the
10 steam line on deck. They tried to thaw them out with
11 rags, and after half an hour of waiting they got the
12 windlass working and got the anchor ready for dropping,
13 and the Captain said to me: "We are ready to go in."
14 He had asked me to go in that night, he did not know
15 whether the ship could be taken in during the night
16 or whether to wait until daylight, and, of course, I told
17 him we could go in safely during the night when he was
18 ready. So we proceeded into the Narrows, and while in
19 the Narrows he said: "I have one more thing to tell you:
20 we are unable to go astern." I said: "I am glad you told
21 me in time," and we immediately let go the anchor and
22 held on.

23 Q. Now, Captain Hancock, yesterday mention
24 was made of these services provided through pilots supplying
25 linesmen for ships coming into this harbour. Would you
26 be able to give the Commission an outline of the sit-
27 uation. What is actually done in this respect through
28 your good services?

29 A. Well, my lord, that is something that has
30 gone on for some 50 years, to the best of my knowledge,



1 long before my time here. This service is done at the
2 request of the firms; there is no obligation, and not all
3 the firms ask us. But some of the firms, the agencies
4 in St. John's ask us to arrange for mooring their ships,
5 supplying the lineamen and having them there, which we
6 do. We have a mutual rate agreed upon for doing the
7 service, depending on the length of the ship, and actually
8 for a ship of 200 feet to 300 feet in length the charge
9 is \$20.00, for a ship of 300 feet to 400 feet in length
10 the charge is \$30.00, and so on.

11 We supply the necessary number of men, which might
12 be from two to eight or ten, depending on the size of
13 the ship and depending on the size of the lines, and
14 also if the lines have to go to one pier or probably
15 to three piers. If the ship overlaps the pier she might
16 have several lines. We do this because we have been
17 asked to do so, and it is by mutual consent, it can be
18 terminated any times by the firms, the agents.

19 Q. By the owners or their representatives?

20 A. Yes.

21 Q. Now, who pays for these men you supply?

22 A. We engage the linesmen and we pay the line-
23 smen.

24 Q. And you work on a flat rate basis?

25 A. Yes, generally. And we know quite a large
26 number of people who are always willing to take on the
27 job for half an hour or so to catch a line. We have
28 quite a number of people we can telephone who live near
29 the waterfronts and they are available, and others.

30 Q. Do you supply similar services to ships which



1 are exempt from pilotage dues?

2 A. Not normally.

3 THE CHAIRMAN: Captain, when you say "we"
4 do this, do you speak of the pilots as a group or each
5 individual pilot would make his own arrangements?

6 THE WITNESS: My lord, it is as a group, it
7 is a group service.

8 Q. Are you called upon to render services to
9 coastal ships which are exempt from pilotage dues?

10 A. Not that I can think of, no; I don't think
11 so, not exempt ships.

12 If I may add, occasionally we are called upon.
13 We have been called upon to move a dead ship with a tug
14 that is exempt, and, if necessary, we may engage, we may
15 have a linesman there.

16 Q. This morning you mentioned this service
17 you provide to shipping, directing them into the harbour,
18 informing them of the traffic coming in and out of the
19 harbour in order to avoid meeting other ships in the Narrows.
20 Are these services supplied only to ships subject to
21 payment of pilotage dues or are these services provided
22 also to exempt ships?

23 A. We provide the service or information to
24 whoever asks us. In fact, it is our policy that no reasonable
25 request for information or service is ever turned down.

26 Q. Now, Captain, even though Paragraph 10 and
27 other paragraphs of your brief have been accepted as
28 proven, I would like to ask you a few questions about
29 Paragraph 10.

30 Would you tell the Commission what has been the



1 average age at which candidates becoming pilots have been
2 accepted and have actually been accepted as pilots?

3 A. I would say that the average age is about
4 35 or 36 years old.

5 Q. Thirty-five to thirty-six years old?

6 A. Yes. Some pilots joined when they were older,
7 I think, and one that I know joined when he was younger
8 than that.

9 Q. I understand that you have no apprenticeship
10 system here, but do you have a probation system?

11 A. It is not a formal probation system, but it
12 is a practical probation system, and I went through it
13 myself. It amounts to this, that when a new pilot joins
14 the service here he is not forced or ordered to do any
15 job or pilotage or shifting until he feels quite ready
16 himself to do so. We will go along with the other ex-
17 perience and licensed pilots for one month, two months,
18 three months if necessary. He will go aboard all the ships
19 with the regular pilot and observe, and when he feels
20 himself competent, then he will undertake his first pilot-
21 age of small ships, smaller ships.

22 Q. Yesterday a document was filed giving the
23 sea experience of your pilots. I note that three of your
24 pilots have only coasting licenses as masters. Would
25 you explain how this came about?

26 A. Those three pilots, or is it two pilots,
27 sir, have been there ---

28 Q. Two, yes.

29 A. Have been there about three times as long
30 as I have been there; they have been there I think twenty



1 years at least respectively. I believe they went there
2 in wartime when they were quite busy. Perhaps the re-
3 quirement of certificate was waived; at the time perhaps
4 the requirement did not exist -- I do not know, sir, but
5 I do know that they are if anything far more experienced
6 than I am myself.

7 Q. In the discharge of your functions as a pilot
8 are you ever called upon to do swing shifts for compass
9 adjusting purposes?

10 A. Yes, we are called on all compass adjusting
11 trips, with the exception of the C.N.R. ships, some of
12 the C.N.R. ships and small local coasters. All foreign
13 ships that have their compasses adjusted here have us
14 as pilots, and when conditions are suitable it is done
15 in the harbour; otherwise outside the harbour.

16 Q. Are you called upon to pilot ships on trials?

17 A. Yes, on trials, also.

18 Q. I now come to Paragraph 13 of your brief
19 in which you give statistics of the 1952 shipping season
20 at St. John's. Where did you get this information, Captain?

21 A. This information is a copy of the harbour
22 master's regular report for the year 1962, of which we
23 are given a copy.

24 MR. JACQUES: It was filed yesterday.

25 THE CHAIRMAN: That information was filed
26 yesterday.

27 MR. LANGLOIS: Yes.

28 THE CHAIRMAN: It could be checked if you wanted
29 to see whether it is the same or not, but as I recall the
30 number of ships was 990.



1 MR. LANGLOIS: Now, my lord, I have a book
2 which is a diary kept by the pilots on the various jobs
3 performed by them in this port. This is the diary for the
4 year 1962. If my learned friend wants to get the information
5 from that diary the pilots are prepared to lend the book
6 to him provided it is returned in due course.

7 We could have produced the 1963 diary, but it is
8 in constant use now.

9 MR. JACQUES: 1962 is sufficient, my lord.

10 MR. LANGLOIS: We will not give it any number.

11 THE CHAIRMAN: Various extracts could be
12 taken from it.

13 MR. LANGLOIS: The book should be returned
14 directly to the pilots here.

15 Q. In connection with the information provided
16 in Paragraph 13 of your brief, and the information contained
17 in this diary, would you tell the Commission whether as
18 a matter of practice all ships that you pilot inward
19 are also piloted outward?

20 A. Most, but not all. The large majority are
21 piloted outward. There are, as we have said, a small
22 percentage of exceptions where the master himself in-
23 variably has a pilot inward and he may sail without a
24 pilot.

25 Q. I have noticed in this diary that you have
26 the name of the pilots inward and in another column
27 outward, and I notice that the one given ship, for example,
28 the Mount Blair you have the name of the pilot inward
29 but you have no name for the pilot outward. Would you
30 explain that?



1 A. What ship is that?

2 Q. The Mount Blair?

3 A. The Mount Blair; we have it recorded here
4 inward, no pilot, sir. The Blue Laker - that is a Blue
5 Peter ship - no pilot. The next entry is Gowry, pilot
6 inward is T. King and outward T. E. Goodyear.

7 Q. I picked the wrong ship, apparently. What
8 about the Fergus here?

9 A. The Fergus is Goodyear inward; I see there
10 is no entry for outward. Now, sir, I should explain that
11 the inward information is the most important, of
12 course, the time the ship is in, the name of the agent,
13 who is aboard.

14 The outward has no significance as far as the
15 pilotage is concerned; that is, payment of dues or collec-
16 tion of dues, and it happens too often where the master
17 pilot forgets to log the ship out and the time. That
18 was an omission on our part, but we can still obtain
19 that information from the boatman's record. I am unable
20 to say that that ship had a pilot outward whether there
21 is an omission made, but I think that she did have the
22 pilot outward.

23 Q. When a ship is taken in by a given pilot
24 and she goes out on the same shift, is she taken out by
25 the same pilot who brought her in?

26 A. Yes, generally; yes, unless that same pilot
27 is engaged on another job when the call is received.

28 Q. I understand that when a pilot takes a
29 ship in she becomes his ship, and if he is on free and
30 on duty he takes her out?



1 A. That is right, sir.

2 Q. Would this be the explanation of why some-
3 times in your diary the name of the pilot that took the
4 ship out is not recorded because it was the same man who
5 brought her in?

6 A. That could be so, yes.

7 Q. That could be so.

8 Now, there are - I come to Paragraph 14 on Page
9 10 and Page 11 of your brief. I understand that most of
10 the information contained in this paragraph was supported
11 by evidence given earlier in this present hearing, but
12 I should like you to add your further explanation in
13 connection with the last line of the paragraph on Page
14 11 where you state that at times you have had four
15 vessels berthed abreast at the piers with a large number
16 anchored. In cases of this kind would all those ships
17 be brought alongside by the pilot?

18 A. Always.

19 Q. Always; when you have such congestion in
20 your harbour is the degree of hazard to navigation
21 increased?

22 A. Yes, the hazard is increased; there is not
23 so much room and with more ships the hazard is increased,
24 and also the fact that four ships are berthed abreast,
25 the four in the same berth, outside of each other, there
26 is a certain hazard there of at least minor damage,
27 especially when you have to get the inside ship clear
28 of the pier with three ships outside of her. It is quite
29 a complicated problem at times and it is pretty com-
30 plicated business to the agent in arranging those boats



1 for the different requirements. A ship might want to
2 berth for fuel, and you might have to shift to another
3 berth for salt and still another berth for stores or
4 water, and it takes the utmost co-operation between agents
5 and pilots. We do our utmost to carry out their instruc-
6 tions and they more or less tolerate us when we are
7 unable to do it completely to their satisfaction.

8 Q. Now,

9 Am I to understand that you are completely satisfied
10 with the present setup of your local pilotage authority
11 and its administration of pilotage in your district?

12 A. Yes, sir, that is so.

13 Q. You have seen the brief submitted by your
14 local Commission and you have been in this room listening
15 to the evidence adduced in support of same. Would you
16 tell the Commission whether or not your group as a whole
17 is in accord with the brief and the evidence submitted
18 by your Local Pilotage Commission?

19 A. I think that our group is in agreement with
20 the submission of the Pilotage Commission; I would also
21 say that the pilots would very much like the Commission
22 to continue as the authority, as the pilotage authority
23 in St. John's and we would hope they would be able to
24 solve their problems at their level and continue on as
25 the pilotage authority and Pilotage Commission.

26 Q. Do your pilots agree with the Commission when
27 they state in their brief that the Commission should get
28 additional financial assistance in order to carry on its
29 job properly?

30 A. Well, that would seem so.



1 Q. Would you say that this financial assistance
2 is essential in order to preserve the good administration
3 and operation of pilotage in this port?

4 A. Well, sir, as far as we are concerned, the
5 administration of the pilotage and the present Commissioners
6 and the present Secretary is entirely satisfactory to
7 the pilots. The administration of the boats and crew
8 is not any longer the responsibility of the Commission.
9 We are not entirely happy about the boats, but as we
10 see it this is not a problem of the Commission.

11 The administration of the pilots in the pilotage
12 part of the Act is still entirely satisfactory to the
13 pilots.

14 Q. I now come to Paragraphs 16, 17 and 18 of
15 your brief on Page 12, concerning pilots boats. Would
16 you please elaborate further on your recommendation that
17 a new boat should be provided, and give reasons in
18 support of your recommendation in this respect?

19 A. Well, the pilots feel that these boats have
20 had hard service for ten years. A wooden boat
21 in the pilotage service in the open sea that is quite
22 a bit of service, and it is not so much the hull. The
23 hull of the boat may be sound and strong for a while yet,
24 for a year or years yet, but the pilots are more con-
25 cerned with the machinery. Ten years on one engine is
26 quite a length of time, and these engines have been over-
27 hauled and refitted. They are no longer, in the pilot's
28 opinion, they are no longer thoroughly reliable and they
29 do break down.

30 Q. What is the normal life of a wooden boat



1 built of timber, lumber, coming from Newfoundland?

2 A. For a small boat between 15 and 20 years,
3 I would say, is all that you could expect to get out of
4 it.

5 Q. Would you say that the severe conditions
6 to which pilot boats are subjected daily, coming alongside
7 large vessels, particularly vessels with steel hulls,
8 would shorten this period of life, the normal life of
9 the wooden boats?

10 A. Yes, sir, certainly shortens the life as
11 is shown by the repairs that are necessary. It is
12 necessary to repair these boats every couple of years,
13 renew planking and sheathing, and the rubbing piece,
14 some of the decking, stem --

15 Q. Have you had any engine problems with the
16 older boats, the older of the two?

17 A. The Kelvin is more reliable in our opinion
18 than the --

19 MR. JACQUES: The Kelvin?

20 THE WITNESS: I am referring now to the make
21 of the engine.

22 MR. JACQUES Which is the Kelvin?

23 MR. LANGLOIS: Is that No. 1 or No. 2?

24 A. That is No. 1, I believe; we refer to that
25 as the Kelvin and the Buda. I think the Kelvin is
26 generally -- at least I consider it more reliable than
27 the other one, the Buda, is considered to be the better
28 sea boat.

29 Q. Were these two boats built especially
30 to be used as pilot boats?



1 A. Yes, sir. I think the Buda was built in
2 Clarendville specifically for pilotage service. It was
3 designed by Captain Berthe, I believe, who I think was
4 either owner or manager of a Quebec shipbuilding yard.
5 He designed these boats, I believe, with pilot's re-
6 commendations in mind, together I think in consultation
7 and no doubt ordered by the Commission; but I do under-
8 stand that the pilot's recommendation were followed in
9 the designing of this particular boat.

10 Q. Now, I note in Paragraph 18 that you re-
11 commend installation of radar sets on your pilot boat.
12 Would you give the Commission your reason for making
13 such a recommendation?

14 A. Well, we would like a small radar because
15 it is very useful in fog; radar makes all the difference
16 in fog, or if the pilot boat had a radar you could see
17 ships approaching with full visibility; you could come
18 alongside them in dense fog and you could avoid being
19 cut down, too.

20 Q. Are these boats equipped with echo sounding
21 machines?

22 A. No sir, no echo sounding machines.

23 Q. Do you think echo sounding machines should
24 be part of the equipment?

25 A. We don't think it is nearly as important
26 as the radar and the short wave radio.

27 Q. Are these pilot boats used for search and
28 rescue purposes?

29 A. At times, when called.

30 Q. Are these boats adequately stored and victualled?



1 A. They are not victualled or stored to my
2 knowledge. There are no stores aboard of them that I
3 know of.

4 Q. Do you have emergency rations?

5 A. None that I know of.

6 Q. Am I to understand that if you had an engine
7 breakdown in a rough sea outside that you could be adrift
8 all day, without any food on board?

9 A. Unless we were picked up.

10 MR. LANGLOIS: Of course.

11 MR. JACQUES: Or you could swim.

12 THE WITNESS: I wouldn't try swimming in
13 this temperature.

14 Q. Would you think this would be a proper
15 precaution to take, to have proper stores and rations
16 aboard the pilot boats?

17 A. Our opinion would be that there should be
18 proper sea stores and food aboard both boats.

19 COMMISSIONER SMITH: Is there any officially
20 organized rescue craft in the harbour?

21 THE WITNESS: No official craft sir. I
22 believe we are classified now as a sort of search and
23 rescue craft. We have been fitted with a radio-telephone
24 on the 2182 kilocycle band, which is the general call
25 for that purpose.

26 Q. I now come to Paragraph 19 with regard
27 to the pilot station, on Pages 12 and 13, including
28 Paragraph 20. Your present pilotage station is in the
29 proper location as far as you are concerned. Is that a
30 fact?



1 A. Yes sir, it is a good location.

2 Q. By whom, and at whose expense is the equipment
3 that you have in your pilotage station supplied?

4 A. Well, to the best of my knowledge the equip-
5 ment, the radio equipment, has been supplied by the
6 Department of Transport. That is one set, A VHF trans-
7 mitter - receiver. There is one Hallicrafter radio
8 receiver, which we keep tuned on 2182 kilocycles, which
9 is owned by the pilots. It was purchased by the pilots
10 for the purpose of listening on that band.

11 Q. When you say the pilots, you mean the pilots
12 as individuals, and not the Commission?

13 A. Not the Commission, just the pilots them-
14 selves. The typewriter was supplied by the Pilotage
15 Commission. The heating, I believe, is supplied by the
16 St. John's Harbour and Pilotage Commission. The telephone
17 I believe is supplied by the Department of Transport.

18 Q. What about the bedding?

19 A. The bedding is supplied by ourselves. Bedding,
20 linen, food, cooking equipment and cutlery is supplied
21 by ourselves, at our own expense.

22 Q. Am I to understand that since you have
23 bedding and kitchen equipment that when a pilot is on
24 duty for 24 hours he constantly lives on the station,
25 sleeps there, and eats there?

26 A. Yes, that is right.

27 Q. Now I come to Paragraph 21 on Page 13,
28 earnings of St. John's pilots. When you compare your
29 earnings to the earnings of masters of coastal vessels,
30 where did you get this information to establish your



1 comparison?

2 A. Well, the masters tell us. They occasionally
3 ask us what we make, and we compare earnings, and I know
4 of one master of a medium sized tanker who told me he
5 earned over \$9,000.00 basic annual salary, and he received
6 a fair sized bonus each year.

7 MR. JACQUES: I think my friend will agree
8 with me that this is hear-say evidence.

9 MR. LANGLOIS: I was coming to that.

10 Q. This is what you got from the master who is
11 a friend of yours employed in the coastal trade?

12 A. Yes.

13 Q. But you have yourself been employed in the
14 coastal trade and the ocean-going trade?

15 A. Yes.

16 Q. How did your salary then compare with your
17 present salary as a pilot?

18 A. 1955 I think was the last time I was at sea
19 as master of a ship, and my basic pay was \$500.00 per
20 month, which would amount to \$6,000.00 per year. That
21 does not include the value of board and lodging.

22 Q. Was that in the coastal trade?

23 A. The ship was used in the coastal trade, yes,
24 at that time.

25 Q. Did you have any overtime pay?

26 A. No, I made no claim for overtime.

27 Q. Did you have any bonuses?

28 A. No, no bonuses.

29 Q. What about your holidays, vacations?

30 A. Well, if I had stayed long enough, no doubt



1 I would have received holidays, but that ship -- in fact
2 I left that ship to join the pilot service. I was master
3 of that ship less than one year.

4 Q. Were you getting benefits such as pension
5 benefits, and sickness and accident benefits?

6 A. No, there were no other benefits.

7 MR. LANGLOIS: I will have another witness
8 to call with regard to this part of the brief after we
9 are finished with Captain Hancock.

10 MR. JACQUES: I might be able to help you.
11 I have here a statement of the salaries paid to the members
12 of the crew of Canadian National Railway vessels, but
13 I am not able to assure the Commission whether or not
14 there are any extra benefits tacked on to the salaries.
15 The master of the "William Carson" makes \$765.00 a month;
16 the master of the "Gabrielle Strait" makes \$705.00; the master
17 of the "Petite Forte" makes \$665.00; the master of the
18 "Raccalieu" makes \$705.00; the master of the "Bonavista"
19 makes \$705.00; the master of the "Burgeon" makes \$705.00;
20 the master of the "Northern Ranger" makes \$705.00; the
21 master of the "Bar Haven" makes \$705.00; the master of
22 the "Springdale" makes \$705.00; the master of the
23 "Hopedale" makes \$665.00; the master of the "Nonia" makes
24 \$705.00; the master of the "Birch" makes \$600.00; the
25 master of the "Codroy" makes \$600.00; the master of the
26 "Taverner" makes \$665.00; and the master of the "Claren-
27 ville" makes \$600.00.

28 But this is all the information which I have.
29 I don't know how many days they work.

30 THE CHAIRMAN You don't know what working



1 conditions go with it, how many days, the time off,
2 and all that, benefits such as lodging, board, and so
3 on?

4 MR. JACQUES: No sir, I don't.

5 MR. LANGELOIS: I have here Captain Potter
6 sir. He is a former C.N.R. employee.

7 MR. JACQUES: Well, if you would obtain the
8 attendance of someone in the business to-day it might be
9 of more significance to the Commission, but in any case
10 the Commission will obtain detailed information on
11 the salaries paid to these masters when it sits either
12 in Ottawa or in Montreal.

13 MR. LANGELOIS: That will be fine.

14 Q. I come now, Captain Hancock, to Paragraph 22,
15 on your pension. Do you have now a pension scheme?

16 A. No.

17 Q. Do you have a provision for sickness
18 insurance? Do you have benefits provided by an insurance
19 policy of some kind, as a group I mean?

20 A. We are covered as a group under the Workmen's
21 Compensation.

22 Q. I am speaking of sickness not accident?

23 A. We have no sickness fund or protection.

24 Q. Then would you tell the Commission what
25 happens when one of your pilots is sick for a long period
26 of time? What happens to him? Does he starve to death,
27 or do the others pitch in and work for him?

28 A. I haven't known that case, where the pilot
29 was sick for a long time. We just don't get sick. We
30 get hurt, but not sick.



1 MR. JACQUES: You can't afford to get sick.

2 MR. LANGLOIS: That's right, you can't afford
3 to get sick, but say a pilot is sick for two weeks, does
4 he draw his share of the pilotage revenue as if he were
5 working?

6 A. That is so, yes.

7 Q. I mean the others pitch in for him?

8 A. That is so.

9 MR. LANGLOIS: It is a self-supporting sickness
2 10 benefit arrangement.

11 COMMISSIONER SMITH: Mr. Langlois, excuse
12 me. I would like to ask the witness a couple of questions
13 along the lines of your questions. In your brief you
14 say governmental assistance is required to provide an
15 adequate pension system. In pilotage in Canada we have
16 what is described as a hodge-podge. The contributions
17 in some cases are as high as ten per cent, eight per
18 cent and five per cent, and benefits are varied, and
19 there is no uniformity, and it is something that is not
20 very desirable.

21 What I would like to ask you is if a scheme is
22 proposed would the pilots here be prepared to make a
23 reasonable contribution towards it, to build it up to a
24 reasonable proportion so that there would be some decent
25 benefits on retirement?

26 A. I believe they would sir. If there was any
27 national pension scheme for pilots I believe we would all
28 be very much interested in contributing. That reminds me
29 of the system in the U.K. I believe they make a compulsory
30 deduction from your earnings as a ship master or ship's



1 officer. There is a pension deduction made. I think it
2 is compulsory, and everybody seems happy with that system.

3 Q. Is it not correct that, or am I to assume
4 that you have no pension system because you can't afford
5 one? Is that the situation?

6 A. That is difficult to answer. The schemes
7 proposed so far didn't seem to be the right ones. We
8 had some very old men, and we had some very young men,
9 and we are a small group. I think the matter of the
10 pension negotiations was covered very well by Mr. Grieve
11 so far. We just haven't seen the right scheme yet.

12 Q. Have you ever approached either an insurance
13 or an investment company to buy a pension scheme from
14 them?

15 A. Well sir, I don't know if we approached them,
16 or they approached us. Possibly we approached them, or
17 one of our group or committee approached them. We have
18 had some information, some plans and figures, but they
19 were not adopted.

20 Q. And what happened?

21 A. There was just no interest in those particular
22 plans.

23 Q. Now I would like to ask you, Captain
24 Hancock, to enlighten the Commission on this system that
25 you have had so far of supplying pilotage services along
26 the east coast of Newfoundland?

27 A. Yes sir. There again that is quite old.
28 That goes back long before my time, and I would say before
29 the time of any pilot now in the service, and it is
30 entirely voluntary. Since my time there we have undertaken



1 coastal pilotage on request. We are simply asked by
2 firms, by owners, and by masters, and by masters of
3 ships belonging to such firms as Imperial Oil, Irving
4 Oil, chartered ships to Golden Eagle oil, ships chartered
5 and owned by the Anglo-Newfoundland Development Company,
6 cable ships and miscellaneous foreign ships. We have been
7 asked to supply a pilot for a particular place, or places,
8 and we have done so. It is three years now that I know
9 of in recent years that the present group of pilots have
10 been supplying pilots for coastwise ships.

11 We have known that perhaps we weren't 100 per
12 cent on the right side in accepting these jobs, but we
13 knew of nothing that said we should not do this work.

14 We try to do this work in our off time, in the
15 five days that we are off, and in the event that a pilot
16 was unable to arrive back at the station in time to be
17 on duty, well, then another pilot took his duties, another
18 of the off duty pilots. The objective was to maintain the
19 strength that we were required to maintain. That is four
20 pilots on station.

21 One of the reasons, perhaps, that we have not
22 been so enthusiastic about undertaking coast pilotages
23 this year is that there has been some objection, and as
24 I say we are not entirely sure if we are doing the right
25 thing. I know the majority of pilots would like to con-
26 tinue the service, and we would be very glad if we had
27 the approval of somebody in authority to carry on with
28 this work.

29 Q. Now, Captain Hancock, who gets the revenues
30 derived from these extra duties and also the jobs along



1 the coast?

2 A. The pilots themselves as a group. Up until
3 the beginning of this year, all revenue from the coast
4 pilotage undertaken was deposited into the general accounts;
5 in other words, shared equally amongst all pilots, because
6 it was just as important to have the pilot in St. John's
7 as the pilot on the coast. If the pilot couldn't do
8 his duty in St. John's, it was necessary to have a relief
9 from duty.

10 THE CHAIRMAN: Of course, this wouldn't be
11 the case if it was an unlicensed pilot who was doing the
12 piloting, because, as was said this morning, in some
13 instances it was an unlicensed pilot who was sent there,
14 so he is going to keep it for himself.

15 THE WITNESS: That is right, sir. At one
16 time there may have been five or six coast pilots, and
17 these men, some are retired and there are not so many
18 left, and we have been asked to do it. But it is still
19 open; anybody without a licence, anybody without any
20 marine qualifications can undertake the work.

21 THE CHAIRMAN: That is the danger of it.

22 THE WITNESS: Yes. We have been asked to
23 join the same ships, the same company and the same ships
24 year after year.

25 Q. Since this question was raised this morning,
26 have you had opportunities of discussing this situation
27 with your colleagues, with other pilots?

28 A. Yes, we did at noon.

29 Q. Would they be prepared, then, if his lordship
30 and the Commissioners would like to have your own ideas



1 and the ideas of your colleagues on the subject, to
2 take on as part of their normal duties coastal pilotage
3 in Newfoundland?

4 A. I would say that the majority of pilots would
5 be prepared to pilot ships north, as far north as the
6 northern part of Newfoundland.

7 COMMISSIONER SMITH: To what point?

8 THE WITNESS: We have been prepared, sir,
9 to pilot ships anywhere on the east coast of Newfoundland.

10 THE CHAIRMAN: Up to Belle Island?

11 THE WITNESS: As far as Belle Island. We could
12 go further afield, but that would be getting out of the
13 range of coast piloting. We could if we wanted to go
14 to Hudson Bay, Baffin Island, Greenland, north of Baffin
15 Island, but we said the east coast would cover Newfoundland
16 coastal pilotage.

17 Q. Do you think you could assume these additional
18 duties with the present number of pilots that you have?

19 A. We have done so for about two to three years
20 now, but it meant that all the off time was occupied by
21 the pilots on the coast and also by the pilots in St.
22 John's, nearly continuous duty. It was a question of
23 getting a little more money by putting in a lot more
24 time to earn it.

25 THE CHAIRMAN: Do you have any figures as
26 to the importance of the traffic?

27 THE WITNESS: The only way we have of
28 assessing the importance, sir, is the demand.

29 THE CHAIRMAN: Do you have records as far
30 as you are concerned?



1 THE WITNESS: We have records of the trips
2 we have made, the ships we have been on.

3 THE CHAIRMAN: Would these records be avail-
4 able?

5 MR. JACQUES: I think Mr. Puddister was
6 asked that.

7 THE CHAIRMAN: Showing the dates and the
8 number of ships, so that we will know whether it is season-
9 al or not and what is the importance, and the length
10 of time taken.

11 MR. JACQUES: Mr. Puddister has been requested
12 to prepare a statement giving the ports, the time, the
13 distance, and so on.

14 COMMISSIONER SMITH: Would there be any way
15 of shewing the amount of work done by the unlicensed
16 pilots, the business that they do?

17 MR. LANGLOIS: There are some unlicensed
18 pilots who do the job through them and they would have
19 these records, but there are others who don't go through
20 this group here.

21 COMMISSIONER SMITH: Yes, that is what I
22 meant. Is there any way of getting the complete picture
23 of the business down there?

24 MR. JACQUES: They may be one way, if we
25 knew the ports, with S.I. reports. Knowing the origin
26 of the S.I. reports, we would be able to do it.

27 COMMISSIONER SMITH: It would be worth
28 trying.

29 MR. JACQUES: We will attempt to do so.
30 If they have a coastal licence they have an S.I. report;



1 if they have to clear with somebody, they have an S.6
2 report.

3 MR. LANGLOIS: Probably this information
4 won't be too accurate if we go by the S.I. forms.

5 Q. At any rate, Captain Hancock, to your know-
6 ledge has the traffic to these northern ports on the east
7 coast of Newfoundland increased in recent years?

8 A. In recent years there has been a decrease
9 in the tanker traffic, I would say, because Gander is
10 not used so much by aircraft, there is not so much
11 gasoline used, there is less gasoline going through
12 Lewisporte. That is what we believe. But at the same
13 time there are other types of ships; for instance, the
14 mineral carriers, ore carriers, and there are going to
15 be quite a few ships going to divert this year when they
16 start producing the asbestos, perhaps a ship per day.

17 There are the ships that carry the copper from
18 Tilt Cove, from Middle Arm, and, of course, the ore
19 carriers from Botwood and the paper ships from Botwood;
20 and also the supply tankers around the coast, the Irving
21 Oil tankers, the B.A. and Imperial Oil tankers.

22 I would say generally there will be an increase in
23 the amount of coastal traffic in the next three years.

24 Q. So the trend is towards an increase in the
25 volume of traffic?

26 A. Towards an increase, yes.

27 Q. Would you have anything to add, any general
28 statement to make in support of your brief? If you have
29 anything further to say, say it now.

30 THE CHAIRMAN: If you want to think about it



1 for a moment, we will recess now.

2 THE WITNESS: Just one word, my lord. We
3 have been surprised and more than pleased with the compli-
4 ments that we have received from other witnesses. Thank
5 you.

6 ---short recess.

7
8 MR. JACQUES: Further to the evidence con-
9 cerning coastal pilotage, I have been supplied by the
10 Harbour Master with a list showing the date, name of
11 ship, name of pilot and the fee paid for coastal pilotage
12 of vessels coming under Furness Withy Company for 1959,
13 1960, 1961 and 1962, and the names shown establish that
14 the pilots were not St. John's pilots.

15 I should like to file this as Exhibit ?--

16 THE SECRETARY: 258.

17 MR. JACQUES: As Exhibit 258.

18 THE CHAIRMAN: What would be the description
19 of it?

20 MR. JACQUES: List of vessels engaged on
21 coastal trips which had a coastal pilot who was not a
22 St. John's pilot, as supplied for Furness Withy and
23 Company vessels.

24
25 ---EXHIBIT NO. 258: List of vessels engaged on coastal
26 trips which had a coastal pilot who
27 was not a St. John's pilot, as
supplied for Furness Withy and
Company vessels.

28
29 CROSS-EXAMINATION BY MR. JACQUES:

30 Q. Now, sir, you have had considerable experience



1 at sea and you have had considerable experience on the
2 coast of Newfoundland before you became a pilot; is that
3 right?

4 A. Well, some, seven or eight years.

5 Q. Have you been in command of any vessels
6 which engaged in coastal work in Newfoundland?

7 A. I have been.

8 Q. What sort of vessels were they?

9 A. They were not vessels engaged exclusively
10 in coastal trade such as C.N.R. ships. I have been master
11 of ships delivering fish products below the West Indies
12 and vessels with and from Sydney and vessels distributing
13 general cargo.

14 Q. What was the tonnage?

15 A. These were Newfoundland-owned motor vessels
16 which carry about 400 or 500 tons.

17 Q. Dead weight?

18 A. Yes.

19 Q. And what would be their net tonnage approx-
20 imately?

21 A. I don't remember gross tonnages as well as
22 I remember the capacity to carry, the dead weight
23 capacity.

24 Q. Did you ever have occasion to come to St.
25 John's when you were master of these vessels?

26 A. Yes.

27 Q. Did you take a pilot?

28 A. At times, yes, at times no.

29 Q. What difference do you make in at times
30 yes, at times no?



1 A. Well, in the first place, having sailed out
2 of St. John's and having been born in St. John's I
3 thought it wasn't absolutely necessary to have a pilot
4 on board a small, relatively small motor vessel. On,
5 say, three or four vessels of which I was master we
6 didn't have a pilot, but on another vessel, a tanker, of
7 which I was master we invariably took a pilot. For one
8 thing, I wanted the pilot, and, another thing, it was
9 company policy to have a pilot on board the ship. They
10 ordered the pilot, as an extra security measure, perhaps.

11 Q. So on that tanker, whether you liked it
12 or not, you took a pilot. If you had said: "No, I don't
13 want a pilot," do you think the company would have forced
14 you to take a pilot?

15 A. They might have fired me.

16 Q. But they would not have forced you?

17 A. Well, what is the difference?

18 Q. Well, there is a difference.

19 What was the tonnage of that tanker, approximately?

20 A. The tanker carried approximately 1600 to
21 1700 tons.

22 Q. What was her draught?

23 A. The draught was of the order of about 15
24 feet.

25 Q. As regards your brief, during its preparation
26 I understand from your evidence that all pilots were
27 consulted, their views were gathered and summarized?

28 A. That is correct.

29 Q. As regards the final text, the text as we
30 know it now, would you tell the Commission whether any



1 of the pilots, without mentioning their names, disagreed
2 with any parts of this brief?

3 A. In the present draught, there are no disagree-
4 ments that I know of.

5 Q. None whatsoever?

6 A. None whatsoever.

7 Q. Would you tell the Commission the average
8 draught of the vessels which come to St. John's, the mean?

9 A. Oh, the mean draught of the vessels, that is
10 very difficult, sir. I can tell you the general run
11 of draught of categories of vessels, but the average
12 draught of a thousand ships is just a problem of arithmetic.

13 Q. But would you expect most vessels to have a
14 draught of over 30 feet?

15 A. No, sir.

16 Q. What about over 20 feet?

17 A. Most vessels over 20 feet? I wouldn't say
18 that most vessels were over 20 feet off hand.

19 Q. What would be the range? Would it be, say,
20 between 15 and 25?

21 A. That is around it, around 20 feet, a little
22 less. That is in numbers, now, because bear in mind that
23 we have so many of these trawlers which draw about
24 17 feet, 18 feet; there are quite a large number of
25 ships in that category.

26 Q. Would you get very many vessels which draw
27 30 feet or more?

28 A. I wouldn't call them many, compared to the
29 total, in relation to the total number of ships.

30 Q. How many a year would you get, roughly?



1 A. I could easily find it from the pilots'
2 records. But to make a guess of how many over 30 feet
3 in 1962, I will hazard 30 or 40.

4 Q. Thirty or 40?

5 A. But that may not be correct.

6 Q. Now, there was some mention that the range
7 lights were obscured at times when a vessel was anchored
8 off the range lights. Have you ever complained to the
9 harbour master about it?

10 A. No, we have not complained, I have not
11 complained. There seemed no point in complaining to
12 anybody. It is just an unfortunate thing that we couldn't
13 get the lights on a higher point, and it happens in-
14 frequently. It has happened that a ship has been obscured
15 from a range light that I know of, and a ship obscured
16 from a pier that I know of.

17 Q. Are these the only two instances which
18 happened, which you have knowledge, I should say, since
19 you became a pilot?

20 A. The only two instances where I was actually
21 piloting a ship; it may have happened to other pilots
22 where they were piloting a ship.

23 Q. With regard to this famous wreck, have you
24 ever requested that it be buoyed?

25 A. The idea has been talked about; the idea
26 has been discussed, but the feeling is that the disad-
27 vantages outweigh the advantages.

28 Q. The disadvantages of having the wreck buoyed;
29 would you explain that, please?

30 A. By far the majority of ships that we pilot



1 to the bunkering pier are drawing less than 24 feet, so
2 we disregard the wreck; we go over it, and if a buoy was
3 there we would have to avoid the buoy night and day and
4 in windy weather, and so on.

5 Q. I see. Now, as regards aids to navigation,
6 would it be fair to say the better the aids and the greater
7 the number the easier your job is?

8 A. That is quite so, yes; and the easier for
9 the ship master.

10 Q. Safer also; in the normal course of events,
11 how many cables off the entrance would you have to steady
12 your vessel on the range lights?

13 A. How many cables?

14 Q. Or miles, if you wish?

15 A. You say steady the vessel on the range
16 lights?

17 Q. Yes?

18 A. We try to get the ship on the range, or
19 a little to the south of the range as early as we can
20 once we get aboard. In other words, we try to line up
21 the approach as far as possible rather than try to
22 cut the corner.

23 Q. I realize that you get the ship on the range
24 just as early as possible. What would be the limit
25 when you say it is too late to get the boat on the range;
26 I have to take a turn?

27 A. It depends on the size of the ship and the
28 load you have on. In a large ship, say a tanker you
29 might be -- I think if I didn't have her on the range,
30 and I was well off the range, a half a mile off, I would



1 come around or reverse.

2 Q. You mentioned that the service of pilots
3 have been requested by exempted vessels. Would you hazard
4 a guess as to how often this happens?

5 A. It is not very often; it is infrequently;
6 it just happens occasionally where there is a mate
7 relieving the master or a new master, or some trouble with
8 the ship.

9 Q. There are special circumstances governing
10 it?

11 A. Usually, that is right. Under normal cir-
12 cumstances, with the same master, in normal, fair weather,
13 we do not get asked by exempted ships.

14 Q. You have also discussed at length a ship
15 called the Merlin?

16 A. The s.s. Merlin.

17 Q. Did similar instances occur frequently or
18 similar jobs occur frequently?

19 A. Well, similar jobs in the same way that
20 they are damaged or disabled ships, yes.

21 Q. How frequently would that be?

22 A. I think so far this year we have had about
23 five tow jobs.

24 Q. In 1963?

25 A. This year, yes.

26 Q. In respect of the problem of meeting ships
27 out in the Narrows, have you ever thought of having
28 some sort of system which could be operated from the
29 land to advise ships of whether someone is coming out,
30 or advise ships in the harbour that there are some ships
coming in?



1 A. There was such a system in operation
2 during the war time.

3 Q. There was?

4 A. Yes.

5 Q. Did it work satisfactorily?

6 A. Yes; and I think Capt. Wheran was in
7 charge here or had something to do with it. There was
8 a large mast at Fort Amherst and three red lights for
9 night signal and a system of shapes or flags for day
10 signal.

11 MR. LANGLOIS: The stations were manned?

12 THE WITNESS: That was on the land at Fort
13 Amherst.

14 Q. Can you tell the Commission whether since
15 you have been a pilot there have been many collisions
16 in the Narrows?

17 A. There has been no collision in the Narrows
18 since I have been a pilot that I know of; there was one
19 collision in the harbour, close to the Narrows, that I
20 know of and in which I was involved.

21 Q. We will not talk about that. You said also
22 that in fog the pilot boat leads the ship in; is that
23 correct?

24 A. Yes, that is the practice; it has been
25 the practice in the past that in dense fog the pilot boat
26 with a pilot in the boat assists a ship, leads the ship,
27 signals the ship in entering the Narrows.

28 Q. Is it still the practice?

29 A. It is when necessary, yes.

30 Q. When necessary, because you said in the



1 past it was the practice?

2 A. Yes.

3 Q. And I wondered whether it was still the
4 practice.

5 A. It does not happen every day; it is not
6 foggy every day; it is only when circumstance arise,
7 where there is a fairly large ship and it is dense fog
8 and you want to get the ship in and you call the pilot
9 boat to assist you rather than depend upon your own
10 equipment and your own self.

11 Q. Does it happen very often that in the fog
12 you are unable to take the ship in?

13 A. Not too often that you cannot get the
14 ship in; it does happen; it does happen at night,
15 especially. If you get a condition of dense fog at
16 night the pilot is liable to stand off all night wait
17 until morning, or wait until it clears.

18 Q. But it is not a regular thing?

19 A. No, that does not happen too often.

20 Q. If you had a radar in your pilot boat
21 do you think in those circumstances you could take your
22 ship in?

23 A. No, I would not say so; no, I do not
24 think so; I would not try it.

25 Q. You would not try it. So that a radar
26 on a pilot boat might not enable you to bring more ships
27 in or bring in ships which you could not bring in now,
28 but it would make your work easier?

29 A. That is right, and safer.

30 Q. You mention also that some of the radars



1 were not aligned properly with the keel of the ship.
2 That is quite true, have you no run into radars which
3 are geared to a gyro compass?

4 A. Yes.

5 Q. And stand always in the same position?

6 A. Yes.

7 Q. Have you found the use of those radar
8 sets satisfactory?

9 A. I think we would rather depend upon the
10 relative picture, ~~not the north~~ north upward picture. Person-
11 ally, I would rather see these, the relative pictures
12 showing the entrance ahead.

13 As to the north upward p.p.i., that has come
14 out since I have been going to sea; although I have been
15 with radar since 1943 up to the present day, I have not
16 failed as master of a ship with the north upward
17 seeking picture.

18 Q. So you have not been able to become
19 familiar with this type of radar or this type of screen?

20 A. Yes, I would say I am familiar with it.
21 I have been aboard a lot of ships, as pilot, using it,
22 and on the coast also.

23 Q. You used it on the coast?

24 A. Oh, yes.

25 Q. Now, about this sternswell which, of
26 course, reduces the available water under the keel and
27 creates yawl. How often does it happen on deeply laden
28 ships that the sternswell that you encounter in the
29 Narrows causes unusual or dangerous yaw ?

30 A. Well, not very often. Our percentage of



FF2 1 these deep draught ships these days is not so great as
2 a few years ago. Perhaps three parts of the time, or
3 half the time it is moderate. It is quite a coincidence
4 to get our largest ships, our largest, deepest draught
5 ships at the same time as the worst sea of the year, but
6 it does not happen too often.

7 Q. In your opinion, not only are the pilots
8 but are the seamen do you think it would take a fairly
9 heavy swell, a sternswell, to cause yawing of the boat
10 entering the harbour?

11 A. It would take a fair sized swell, yes,
12 with a northeast swell, though, you would get it more
13 so than with a stern swell, that would be a swell right
14 on the quarter or about four points on the quarter that
15 would give you, I would say, the maximum yaw.

16 Q. I would think so, too. Now, there has
17 been some mention of ships not having proper charts and
18 standing away off because they did not dare come in.
19 Have you ever thought of getting in touch with those
20 ships by radio and giving them a course to steer by,
21 obtaining their approximate position?

22 A. We tried that, and have done that, yes.

23 Q. Does it work?

24 A. Sometimes it works, and sometimes you can't
25 raise them on the radio. We tried using Morse Code.

26 Q. If they get in touch with you and request
27 a pilot surely you must be able to get in touch with them?

28 A. We tried, and we have sent repeated
29 messages to the ships to come in closer, we have, but they
30



1 have been out perhaps in poor visibility. It is a well
2 known phenomenon here that Cape Spear can be blanked
3 out in fog; that is, Cape Spear, just in front of Cape
4 Spear, and the bank of fog is like a straight line,
5 so the ship can be outside in that fog in poor visibility
6 and dense fog and heavy sea, whereas inside it is clear,
7 and we have sent messages saying, "clear inside, radius
8 of one or two miles from St. John's entrance." It is
9 difficult to coax them in.

10 Q. Now, let me change the subject matter
11 completely, for the purposes of earning your money what
12 expenses do you incur. For the purposes of earning your
13 living, what expenses do you incur out of your own
14 pocket?

15 A. I have an old car and such expenses.

16 Q. Mention then if you think your car in
17 useful in earning your living. Do you pay anything for
18 the boat or for charts. You mentioned radio this morning?

19 A. Oh, yes.

20 Q. This afternoon, rather.

21 A. Yes, we buy charts. We have a fairly
22 complete folio of charts for Newfoundland, especially the
23 east coast. We bought the radio; we buy books. We
24 advertise. We advertise in the British Nautical Magazine;
25 that is, the Nautical Almanac. That is the almanac which
26 most British ships carry.

27 Q. Why would you advertise when you have
28 compulsory payment of pilotage?

29 A. Well, ships have arrived here not knowing
30 there are bunkers available. We advertise not so much



1 the pilotage, we advertise the bunkers, the stores, the
2 repair service and the shelter at the port of entrance.

3 Q. At your own cost?

4 A. At our own cost, and we have been doing
5 that for five, six or seven years.

6 Q. Has anyone else contributed to the cost
7 of this advertising?

8 A. No one except the pilots, just ourselves.

9 Q. No one?

10 A. No, and we have advertised in the Swedish
11 journals this year.

12 THE CHAIRMAN: You are doing a job to help
13 create more jobs for more pilots.

14 MR. JACQUES: More fees also.

15 THE CHAIRMAN: That is an incentive.

16 MR. JACQUES: Certainly, there is no doubt about
17 that.

18 THE WITNESS: In the same magazine you will see
19 probably six other pilotage services with a similar
20 advertisement from New Zealand to the North Sea.

RPS 21 Q. Well sir, in the normal course of events
22 would you say that you have to speak foreign languages
23 for your job?

24 A. It would be nice, but it is not absolutely
25 necessary.

26 THE CHAIRMAN: Before you change the subject,
27 with regard to the expenses that you have to bear
28 yourself, you mentioned this morning that you have to
29 board ships at Bull Heads at times.

30 What is the transportation from there to here,



1 and vice versa?

2 A. I would say, sir, that the agent of the
3 ship provides a car or taxi, or reimburses any taxi
4 fare.

5 Q. You said this morning that you did some
6 sort of movement control, and that you gave advice to
7 the agents on the available depth of water and how they
8 should berth their ships. How much time do you spend on
9 that in a week, or a day? Is it a time-consuming job
10 that would keep you on the phone for 6 hours, for 4 hours?

11 A. I would say that all during the day your
12 phone rings many times with agents wishing to advise us
13 of some ship arriving, sailing, or shifting.

14 Q. Yes, but how much time do you spend?
15 When you go to the office do you say to yourself "I will
16 be answering the phone all day to find out when a ship
17 is docking"? Keep it strictly to the agents on movement
18 control and advice as to where to berth a ship, or
19 depths of water available for a ship.

20 A. Well, the phone call does not take too
21 long. You could put it at four or five minutes, two or
22 three minutes, and multiply that by the number of ships,
23 and you would have the actual time spent on the
24 telephone, although there may be two or three E.T.A.'s
25 from the same ship, and the agents would notify us
26 accordingly.

27 Q. On 17 May 1962, according to your log
28 book, I count seven ships entered, two left, so that
29 is how many phone calls approximately for that day?

30 The month of May was your heaviest month in 1962. You had



1 123 ships in, trips of ships.

2 A. Well, for those seven ships I would say
3 anything over seven phone calls. In the case of perhaps
4 the "Sycamore" there might have been two E.T.A.'s, a
5 preliminary one, perhaps 24 or 48 hours, and another one
6 perhaps the same day, 12 hours. Then also the ship
7 quite often asks V.O.N. to telephone us that he is one
8 or two hours away. There could be two or three phone
9 calls in regard to that ship.

10 Q. Could we say it could consume an hour
11 and a half?

12 A. Yes, that is correct.

13 Q. Now sir, I would like you to explain the
14 difference which exists between boarding a cargo ship
15 and boarding a trawler. I think there is a major
16 difference. I may be wrong, but I would like you to
17 explain.

18 A. Boarding a trawler you generally don't
19 use a ladder. The rail is just about waist high, and
20 you watch your chance. There are some stanchions.
21 Usually there are two men there to grab you, and you
22 just go over the rail on a rope.

23 Q. Would you consider it more dangerous
24 boarding a trawler than boarding a cargo ship where you
25 have to climb up a ladder?

26 A. Well, the trawler is much livelier.
27 There is a much quicker movement. I wouldn't know which
28 is the worst. A larger ship is slower in the movements,
29 but at the same time you have to climb up a twenty or
30 thirty foot ladder. I wouldn't like to say which is the



1 most dangerous.

2 Q. Now sir, supplying men to handle mooring
3 lines. The pilot collect the money for that job?

4 A. That is correct.

5 Q. He pays the men who have been requested
6 to render this service, isn't that right?

7 A. Yes.

8 Q. Is there a profit left after all this
9 operation is done?

10 A. There definitely is, otherwise they
11 wouldn't be doing it.

12 Q. I would imagine so. Now, is this profit
13 handed over to the common fund, or is it kept by the
14 pilot?

15 A. The profit is shared equally amongst all
16 the pilots, whether they are on duty or not. It just
17 goes into our general account.

18 Q. Does it ever happen that the D.O.T. boat,
19 the pilot boat, helps during this job?

20 A. Yes, they do that occasionally when they
21 are free, when they are not required in any other way, and
22 we understand they are free to do so.

23 Q. Is the pilot boat ever used to take lines
24 ashore?

25 A. Not now. The pilot boat was used at one
26 time to run the bow line and the stern line ashore, and
27 in fact this business of running lines from the ship to
28 the shore, that has been done for some 50 or more years,
29 and we can show you some records where at one time the
30 charge for that was one pound sterling to the pilot boat.



1 In recent years, the last two or three years, we have
2 been given written notice that this is to be discontinued,
3 and we now use another private boat for running lines.
4 We engage a boat to run the lines.

5 Q. Now, if we were berthing a ship across
6 the harbour and your services were retained to look after
7 linesmen, how would these linesmen get across the
8 harbour? Would they use the pilot boat?

9 A. No, they are rarely carried in the pilot
10 boat. Usually we engage men from the other side, or
11 dispatch them around the harbour in good time.

12 THE CHAIRMAN: But at the time when the pilot
13 boat was yours?

14 THE WITNESS: At the time when the pilot boat
15 was under our own operation we did carry mooring men
16 back and forth.

17 Q. Since the boats have been taken over by
18 D.C.T. have you used the boat yourself for the purposes
19 of handling lines?

20 A. No, we don't use the boat now handling
21 lines.

22 Q. It has not been done?

23 A. I wouldn't say that it has not been done.
24 We have done that in an emergency. There was one case
25 I think where the tug broke down alongside a ship, and
26 the ship blew a O, and repeated it, and the pilot boat
27 went to see what the trouble was. The ship said "run a
28 line quick. The tug is broken down". The ship was
29 drifting down the harbour.

30 Q. As regards the probationary period which



1 by custom you serve, would you care to say whether you
2 have been subjected to a probationary period when you
3 became a pilot?

4 A. Yes, definitely sir. I wouldn't say
5 subjected. I was very glad to have the probationary
6 period.

7 Q. And how long was yours?

8 A. I would say, if I remember rightly, about
9 a month, a month or more. Between a month and two
10 months.

11 Q. What salary did you make then?

12 Was your salary equal to that of the other pilots?

13 A. Equal to the other pilots.

14 Q. To this day is the salary equal to that
15 of the other pilots?

16 A. It is, yes.

17 Q. Now, we have not had any first hand
18 evidence on the examinations which pilots have to undergo.
19 Would you explain to the Commission how your examination
20 proceeded?

21 A. I was interviewed by the Harbour Master
22 of the day, who was the Secretary of the Pilotage Commis-
23 sion, and it didn't consist of any formal examination
24 on the harbour, or the depths, or the conditions at each
25 pier. My personal record showed that I had sailed out
26 of this port for some years, and I was a ship's officer
27 and master, and I presume they waived the formal exam-
28 ination on account of that service.

29 Q. Have you any personal knowledge of any
30 other examinations of pilots?



1 A. I believe there was an examination. There
2 is provision for an examination.

3 Q. To the best of your knowledge, was there
4 ever a case where there was an actual examination held?

5 A. I don't know. I have never heard any of
6 my colleagues refer to examinations.

7 Q. So, as a matter of fact it was just an
8 interview? They looked at your record and observed that
9 you had sailed in and out of St. John's, had sober
10 habits and so forth. They looked at the recommendations
11 from masters of vessels in which you had served, and
12 perhaps recommendations from the owners. Is that right?

13 A. In my case that is so. I do believe that
14 some of the present pilots underwent a formal examination
15 by the Examiner of the day.

16 Q. Would you say that this system is
17 adequate?

18 A. This system, I would say, is adequate.

19 Q. What about if the applicants didn't hold
20 any certificate of competency?

21 A. Well, so far that hasn't happened.

22 Q. Would you be in favour of pilots holding
23 a certificate of some kind?

24 A. I am, yes.

25 Q. What class of certificate would you suggest?

26 A. Well, I would say a home trade master,
27 or preferably master foreign going.

28 Q. Do I take it then that home trade master
29 would be the minimum requirement?

30 A. I would say so, yes.



1 Q. Has this subject ever been discussed by
2 the pilots?

3 A. Oh, I imagine it has, yes. Not formally,
4 not all together, but I imagine it has been talked about
5 between pilots. I have talked about it myself. We are
6 in favour of at least a master's home trade, or foreign
7 going certificate, so that at least the pilot is a master,
8 and then obtains experience as a pilot.

9 COMMISSIONER SMITH: What about a first mate
10 foreign going? Would that be acceptable?

11 A. I suppose it would be acceptable sir. The
12 desirable experience, I would say, is some experience
13 as a master.

14 COMMISSIONER SMITH: In command?

15 THE WITNESS: In command.

16 Q. Would you say that this experience as
17 master in command of a vessel should be obtained on the
18 coast of Newfoundland, or could he have been a master
19 anywhere?

20 A. Well, on any coast the experience is good,
21 and coastal experience especially is better than foreign
22 experience as far as pilotage is concerned. It is more
23 akin to the work a pilot does. In the coast wise trade
24 you are close to the land and channels, depths, and so
25 on, and in fact it is classed as pilotage by the Admiralty
26 Manual.

27 Q. Do you feel that this coastal experience
28 which is required should be obtained in St. John's, or
29 could it be obtained just as efficiently as regard pilots
30 of course are concerned, elsewhere?



1 A. Oh, no, not necessarily Newfoundland.

2 I have the highest respect for those Great Lakes masters,
3 who are very skillful in handling those lake ships.

4 Q. Do I take it then that you would be
5 happy to see a master from Toronto coming to St. John's
6 and saying "I want to be a pilot. I have the certificate
7 and the experience, and I am most anxious to get the
8 job"?

9 A. I think the man from Toronto would rather
10 get a job in Toronto, because he would rather be up
11 there, and also there would probably be too many
12 Newfoundlanders here with the same idea in mind.

13 Q. Do you think that to become a competent
14 pilot in St. John's harbour that you must of necessity
15 have trained in and out of this port for years as master
16 of a vessel?

17 A. Not for years as master, but for some time
18 I would say. A good many trips to see conditions, winter,
19 summer, spring, and the fog and ice and so on.

20 Q. Then I take it that you would have it as
21 a condition to become a pilot that the man, the applicant,
22 has served some time on the Newfoundland coast sailing
23 out of St. John's?

24 A. I think that would be a good condition.

25 Q. It would be a good condition?

26 A. Yes.

27 Q. Would you favour a probationary system for
28 all pilots, with set rules and regulations, or would you
29 rather leave it as it is now, up to the goodwill of the
30 pilots?



1 A. Well, this goodwill is just as important
2 as reams of regulations, I would say. This system is
3 practical, and it is quite old. It goes well back, and
4 it works. The agents are satisfied, the ship masters
5 are satisfied, the authorities are satisfied, and we
6 are satisfied.

7 Q. Would you have any objections if it were
8 inserted in the by-law that anyone who wishes to become
9 a pilot has to serve a probationary period of two, three,
10 or four months before obtaining a licence?

11 A. There would be no harm in that.

12 Q. Do you think there would be some good?

13 A. If anything, there would be some good in
14 it. There would be three months in which the new pilot
15 would observe, and get familiar with the port, and the
16 depths and conditions.

17 Q. Your pilot boats are used, you said, for
18 search and rescue?

19 A. They are now classified for use.

20 Q. Alloted for that use?

21 A. We haven't done any major search or rescue
22 yet. We have towed in a few fishermen, but we are fitted
23 this 2182R/T in the event that we will be directed, I
24 suppose, in any major rescue operation.

25 Q. Has it ever happened that the pilots have
26 been deprived of their pilot boat because she was away on
27 a search and rescue operation?

28 A. No, we have two boats, and if one is away
29 the other boat is available.

30 Q. So that there is actually no harm in being



1 so classed?

2 A. No, I can't see any harm in it. We did
3 go once as far as Cape St. Frances, about 20 miles. A
4 schooner was afire, and the men made the shore in their
5 own dory before we reached them. We did that on one
6 occasion. The other boat was here available for shipping.

7 Q. So actually you were never without a pilot
8 boat?

9 A. No.

10 Q. As regards your pension, are you able to
11 tell whether any of the pilots have subscribed to various
12 insurance policies which grant a monthly payment after you
13 have reached the age of 65? Has this been considered by
14 the pilots?

15 A. Not as a group that I know of. Possibly
16 it has been by individual pilots, although they haven't
17 told me.

18 Q. You need not answer this question if you
19 wish, but have you yourself provided for your old age?

20 A. No.

21 Q. You said that there were objections to your
22 acting as coastal pilots. What was the nature of these
23 objections?

24 A. I said that there were objections?

25 Q. Yes you did?

26 A. Or that we thought that there were
27 objections? I might have to refer to some records to say
28 just what the objections were, and who made them.

29 Q. Would you give the matter some thought,
30 and perhaps you could answer that question tomorrow?



1 A. Yes sir.

2 THE CHAIRMAN: On Exhibit 258 for instance
3 I see that one unlicensed pilot by the name of P. Knee
4 has done most of the piloting, all except one case in
5 the case of Furness, Wicky. He might be objecting, of
6 course, if you took over his job from him?

7 A. Your lordship, we have no intention, or
8 desire, to do that.

9 THE CHAIRMAN: No, I know that, but that might
10 be one of the objections. We do appreciate that you
11 are rendering a service, and that quite a few of you
12 wouldn't like very much to go away for a period of days,
13 but the service has to be rendered, but some people might
14 object if you do that.

15 THE WITNESS: Well, my lord, when a firm or
16 ship asks us to find, supply a coastal pilot, Captain
17 Knee is the first man we contact, we see if he is
18 available.

19 THE CHAIRMAN: He is a competent man.

20 THE WITNESS: He is a retired ship master.
21 He is one of the few left, the older coastal pilots.

22 THE CHAIRMAN: How old would he be?

23 THE WITNESS: He is upwards of 70, I would say.

24 MR. JACQUES: I am instructed he is 72.

25 THE CHAIRMAN: And there is another one, Mr.
26 Anstey.

27 MR. JACQUES: I am instructed that he is an
28 ex St. John's pilot.

29 COMMISSIONER RENWICK: Retired.

30 Q. When you do this coastal pilotage, say,



1 to Botwood -- have you ever been to Botwood?

2 A. Yes.

3 Q. When you arrive at Botwood do you take
4 a Botwood pilot?

5 A. Yes, definitely, and send an E.T.A. in
6 advance.

7 Q. To the best of your knowledge, do all
8 of your pilots going to Botwood take a Botwood pilot?

9 A. I know they do; they radio for them.

10 Q. You know of no instance when one of your
11 pilots took a ship in without using a Botwood pilot?

12 A. It could happen, if the Botwood pilot
13 was not available. I am not sure of it. It could have
14 happened.

15 Q. What is the present system as regards
16 vacations for pilots?

17 A. As regards what, sir?

18 Q. Holidays, vacations?

19 A. We arrange amongst ourselves for our
20 holidays, which appears to be quite satisfactory,
21 provided the strength is maintained. We take time off
22 when we would otherwise be on duty. It amounts to 10
23 days off duty, when otherwise we would be on duty, and
24 three periods of five days each when we would normally
25 be off duty. So running together, it amounts to 25
26 days. We are actually taking 10 days actual holidays,
27 but running together with our time off it runs to 25
28 days.

29 Q. Per year?

30 A. Per year.



1 Q. And the rest of the year you work 5 days
2 off and 5 days on?

3 A. With the provision that was mentioned,
4 that we are on call at all times.

5 And in this connection, sir, the master pilots
6 put in easily seven or more days per month. With the
7 business of submitting the bills and collecting from the
8 firms, the necessary bookkeeping, the master pilots put
9 in a fair amount of their off time.

10 Q. Now, there are two master pilots?

11 A. Yes.

12 Q. Are they changed every year?

13 A. Every year, the first of April, I believe
14 it is, the master pilots are changed.

15 Q. They are actually changed, they are not
16 nominated again for another year?

17 A. It could be. I think the by-laws lay
18 down that on the first of April the master pilot on each
19 watch will be appointed or elected.

20 Q. But in practice?

21 A. In practice we take it on rotation, a
22 new man every year.

23 Q. And among his duties, he has to collect
24 pilotage dues. Does he collect the fee for linesmen?

25 A. Yes.

26 Q. Does he collect the boat charge?

27 A. No, he doesn't. No, that is billed by
28 the Department of Transport direct to the agents and
29 paid to them.

30 Q. Does he collect the coastal fees when



1 any coastal piloting is done?

2 A. Generally he does, but they usually
3 arrive in the mail.

4 Q. But he does that?

5 A. Yes.

6 Q. Those two men look after the accounts?

7 A. Yes.

8 Q. They collect the money and deposit it
9 in the bank?

10 A. Yes.

11 Q. Do they share it with the other pilots?

12 A. No, the system is that as far as the
13 pilotage collected for ship arriving at St. John's, the
14 ships that are liable under the St. John's Act, the
15 money is collected from the firms here or received in
16 the mail, and at the appropriate time at the end of
17 the month a total amount of money, that is the cheques,
18 is delivered to the Commission's office, to the Commis-
19 sion's Secretary, and that is checked against the
20 entries in that diary, together with the pilotage
21 certificates for each ship. That amount of money, less
22 the surcharge, is deposited in the bank and the Commission
23 Secretary issues the eight cheques to the pilots.

24 Q. He divides it evenly?

25 A. Yes, he divides it evenly and issues
26 those eight cheques, and those eight cheques will balance
27 with the deposit in the bank.

28 Q. What about the money for the linesmen
29 and coastal pilotage?

30 A. Those monies are divided by the master



1 pilots into eight cheques, put it in an envelope and
2 hand it to each person.

3 Q. How much profit do you make on linesmen?

4 A. How much profit on linesmen?

5 MR. LANGLOIS: What do you mean by "profit"?

6 MR. JACQUES: We have to investigate the
7 income.

8 THE CHAIRMAN: It is a service.

9 MR. JACQUES: It is a service for which they
10 are paid.

11 THE CHAIRMAN: We will skip that one.

12 MR. JACQUES: If it is convenient, we might
13 adjourn now. I am starting on a new subject, the number
14 of hours worth.

15 THE CHAIRMAN: On this last line of questioning
16 I have a question of my own to ask, with regard to those
17 two services you render.

18 Q. With regard to the linesmen, that is
19 something that has been going on for some time, and I
20 think it is a help for everybody.

21 Now, for the record as far as we are concerned,
22 in order that we may compare the revenues, I would like
23 to know whether the revenue you quote on page 13 of your
24 brief for 1962 of \$8,590.90 includes coastal pilotage
25 and any linesmen revenues.

26 THE WITNESS: That, your honour, I am sure is
27 the figure appearing on the T4 slip which was given us
28 by the Commission Secretary. That would represent
29 pilotage salary or income from St. John's only.

30 THE CHAIRMAN: That is just what I wanted to



1 know.

2 THE WITNESS: If you wish to know the total
3 amounts --

4 THE CHAIRMAN: No, it is just for comparison
5 purposes, because in other places they won't have these
6 extra things, so it will be impossible to compare.

7 We will adjourn now until tomorrow morning
8 at 10:00.

9 MR. LANGLOIS: I wish to inform the Commission
10 that this is my last witness, in case you wish to arrange
11 something for tomorrow.

12 THE CHAIRMAN: Yes, we have arranged a tour
13 of the harbour tomorrow afternoon. If we are not
14 finished by then with the evidence we could resume either
15 tomorrow night or Friday morning, because we will be
16 leaving for Botwood at around noon on Friday. I think
17 we have time to finish anyway. We will see where we
18 are tomorrow at noon, and if it is necessary we can have
19 a short session in the evening.

20 MR. LANGLOIS: This is my last witness.

21
22 ---WHEREUPON THE HEARING ADJOURNED AT 5:15 P.M. UNTIL
23 TOMORROW MORNING AT 10:00 AM.

24
25 * * * * *

BINDING SECT.

MAY 2 1972

